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OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY

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:
PETITION OF T-MOBILE NORTHEAST, : Case No. S-2805
LLC. AND JOHN D. AMMERMAN : OZAH No. 11-29
:
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A hearing in the above-entitled matter was held on
September 19, 2011, commencing at 9:40 a.m., at the Council
Office Building, 100 Maryland Avenue, Rockville, Maryland
20850 before:

Martin L. Grossman
Hearing Examiner

A P P E A R A N C E S

On Behalf of the Petitioner:

SEAN HUGHES, ESQ.

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>
Michael McGarity	30 88	48 94
Hillorie Morrison	52	83
Oakleigh Thorne	98	105
Curtis Jews	108	119

OPPOSITION:

Emory Barge	128	--
Jon Anderson	139	--

ALSO PRESENT:

Tammy Citari Manis

Neal Ammerman

<u>EXHIBITS:</u>	<u>Marked/Received</u>	
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P R O C E E D I N G S

MR. GROSSMAN: This is the resumption of the public hearing in the matter of T-Mobile Northeast, LLC., and John D. Ammerman, Board of Appeals number S-2805, OZAH number 11-29, a petition for special exception under code section 59-G-2.58.

Petitioner seeks special exception to construct an unmanned wireless telecommunications facility on a 155-foot tall monopole, and an associated equipment area at 19100 Wasche Road, Dickerson, Maryland 20854, in the RDT zone.

This is the resumption of a hearing begun on June 24, 2011. That hearing had to be truncated on that date because petitioner's counsel announced that petitioner was seeking to move the proposed location of the cell tower, but did not have the photo simulation studies at the new location, nor had the Tower Commission reviewed the new location. Today's hearing resumption was announced at the June 24, 2011, public hearing.

This site is on land owned by John D. Ammerman, the co-applicant here. And the RDT zone permits telecommunications facilities by special exception under the Zoning Ordinance.

This hearing is conducted on behalf of the Board of Appeals. My name is Martin L. Grossman. I'm the hearing examiner which means I will take evidence and write a report

1 and recommendation to the Board of Appeals which will make
2 the decision in this case. All right.

3 I see we have some people in the audience. Is
4 there anybody in the audience here who is not a witness to
5 be called by Mr. Hughes, or for that matter by Mr. Barge?
6 Anybody else who wishes to be heard today?

7 Seeing no hands, I take it that Mr. Barge, you are
8 the only community person here today to testify, at least at
9 this point. All right. And Mr. Barge, you already did
10 testify at the June 24 hearing, so any testimony you give
11 today, as testimony, will be limited to anything regarding
12 the change in the location that's proposed.

13 MR. BARGE: Okay.

14 MR. GROSSMAN: And Mr. Hughes, how many witnesses
15 do you anticipate calling today?

16 MR. HUGHES: We have three, potentially four.

17 MR. GROSSMAN: Okay.

18 MR. HUGHES: The fourth might be a rebuttal or a
19 proactive witness.

20 MR. GROSSMAN: All right. And they are? Would
21 you name them?

22 MR. HUGHES: Yes, sir. Ms. Hillorie Morrison.

23 MR. GROSSMAN: Good morning, Ms. Morrison. You
24 look vaguely familiar. Ms. Morrison and Mr. Hughes were
25 here on Friday on a different hearing.

1 MR. HUGHES: Mr. Michael McGarity, who was not
2 here Friday. He is a civil engineer from DMW.

3 MR. GROSSMAN: All right.

4 MR. HUGHES: Mr. Curtis Jews, radio frequency
5 engineer with T-Mobile. And Mr. Oakleigh Thorne on behalf
6 of Thorne Consultants.

7 MR. GROSSMAN: Okay. All right, then. And let me
8 deal with a couple of preliminary matters first. I should
9 mention, and by the way, I don't see Anne Sturm here. She,
10 do you know if she is coming? She was here the last time
11 and chose not to testify then.

12 MR. BARGE: That's correct. I don't know for
13 sure.

14 MR. GROSSMAN: Okay. All right. She was here on
15 behalf of the Sugarloaf Citizens Association. All right.
16 In any event, these proceedings, as last time, they're a
17 combination of formality and informality; that is, all
18 witnesses are sworn in, and are subject to cross-
19 examination. And Mr. Barge, you're going to be given an
20 opportunity, should you choose to avail yourself of it, of
21 cross-examining any of the witnesses that are called by
22 Mr. Hughes.

23 There is a court reporter who takes everything
24 down, and there is a transcript, will be a transcript of the
25 proceedings. We operate pretty much the way you see a

1 courtroom operate, albeit a bit more relaxed.

2 Also, this is for a special exception. And as I
3 may have explained, and I probably did during the first
4 hearing, a special exception is not what it sounds like. It
5 is not an exception to the statute. It is actually a
6 conditional use that is permitted by the Zoning Ordinance if
7 certain conditions are met.

8 They are both general conditions that apply to
9 almost all special exceptions, I say almost because there is
10 one I know of, for some reason, that does not apply to
11 general conditions. But almost all special exceptions have
12 to meet general conditions that are specified in the
13 statute, and are in the technical staff report, a copy of
14 which you should have received, the amended technical staff
15 report.

16 Have you seen the amended technical staff report,
17 Mr. Barge? There are copies on the table there, extra
18 copies. So if you want to take a look. That's the amended
19 report from the technical staff based on the new location of
20 the cell tower.

21 MR. BARGE: Of the Ammerman site?

22 MR. GROSSMAN: That's correct, of the new, it's
23 still on the Ammerman site, but it's moved so as to meet
24 setback requirements.

25 MR. BARGE: The setback.

1 MR. GROSSMAN: Right.

2 MR. BARGE: 155 feet.

3 MR. GROSSMAN: Right. Right. And so in any
4 event, there are both these general conditions that apply to
5 almost all special exceptions, and then there are specific
6 conditions that apply to this particular type of special
7 exception, a cell tower special exception. And those are
8 all spelled out in the Zoning Ordinance. That's what guides
9 us in making our recommendation here, and what will guide
10 the Board of Appeals in making its decision.

11 But as I said, it's not a variance from the
12 statute. It is a conditional use permitted by the statute,
13 if those conditions are satisfied. Okay.

14 A couple of preliminary matters. I'd like
15 electronic copies, Mr. Hughes, of any, if there are updated
16 things that come out in the hearing here, either textual,
17 which would be in Word format, or plan changes in PDF
18 format.

19 I should announce that all the testimony from the
20 June 24 hearing, which essentially is yours, Mr. Barge, is
21 part of the record here, and need not be repeated. It is
22 part of the record of this case. And I have a question for
23 you, Mr. Hughes. Are you amending the landscape plan in
24 view of the staff's recommendation on page one of their
25 amended report?

1 MR. HUGHES: We saw, probably when you did, sir.
2 We saw, I think that came on Wednesday, or something like
3 that.

4 MR. GROSSMAN: Okay.

5 MR. HUGHES: I guess, I think our position is
6 going to be, we don't necessarily have an objection to it,
7 if that's something that the hearing examiner wants to
8 potentially move forward to the Board. We were kind of
9 going to see how this went, if there were any other changes.

10 I guess we're open to doing so. There wasn't a
11 lot of specificity there, and we're going to have some
12 testimony. I can proffer, there's going to be some
13 testimony that if it's, we're talking about a few Leyland
14 cypress, something along there, we've talked to the landlord
15 and they don't seem to actually have a problem with it.

16 So we're not, I guess, opposed to it. We just
17 weren't going to, we didn't have, we weren't bringing it
18 forth yet at this point.

19 MR. GROSSMAN: Well, this is kind of, this is the
20 point at which you bring it forth. So I would like to know
21 what the plan would be, if you are going to propose
22 something that is going to satisfy the suggestion for
23 additional screening by the technical staff, what exactly
24 that plan would be.

25 So I would ask that you have a witness testify as

1 to what the plan would be so that Mr. Barge can hear what
2 that plan is for the additional screening, and you can
3 respond to any questions that may be raised. I mean, this
4 is the time to do it at the hearing.

5 I realize that technical staff report wasn't
6 issued until, let's see --

7 MR. HUGHES: It was late in the day. It might
8 have been Tuesday or Wednesday.

9 MR. GROSSMAN: Yes. It was not -- when you
10 received it, so we may have gotten it a little bit earlier.
11 I don't have a notation here. Let's see if it's noted here.

12 (Discussion off the record.)

13 MR. GROSSMAN: It was received in our office on
14 September 14.

15 MR. HUGHES: Wednesday or whenever. Okay. That's
16 Wednesday, right? Yes, Wednesday.

17 MR. GROSSMAN: That's Exhibit 33.

18 (Discussion off the record.)

19 MR. GROSSMAN: In any event, in order to make sure
20 that we get all the necessary evidence in at this hearing,
21 we don't want to have to have another hearing, I would ask
22 you that you produce a witness today, or have one of your
23 witnesses testify as to what proposed screening would be in
24 order to meet the suggestions of technical staff. Okay.
25 All right.

1 And I would also ask that you have a witness
2 explain exactly what it means. You use the term concealment
3 pole here, and I would like that explained on the record
4 also, exactly what a concealment pole is. All right. Any
5 other preliminary or procedural matters, Mr. Hughes?

6 MR. HUGHES: Just a point of clarification. I
7 believe the exhibit list shows, but I wanted to confirm the
8 Affidavit of Posting. I think we did put that in last time,
9 even though we had an abbreviated hearing. I see it as 19.
10 Is that your understanding, Mr. Grossman?

11 MR. GROSSMAN: Let me look at the exhibit list.
12 Yes, Affidavit of Posting.

13 MR. HUGHES: Okay.

14 MR. GROSSMAN: And I presume that the sign remains
15 posted?

16 MR. HUGHES: Yes, sir. And we can have some
17 testimony to that, but yes.

18 MR. GROSSMAN: All right. And it should, by the
19 way, since there is opposition in this case, it should
20 remain posted for 30 days after the Board's opinion or
21 resolution is issued. Okay.

22 Mr. Barge, do you have any preliminary matters,
23 anything -- not your testimony now, but anything procedural
24 that you want to raise here? Any procedural points that you
25 want to raise before we turn to the hearing? You don't have

1 to have anything. I'm just saying, I'm giving you the
2 opportunity as I did to Mr. Hughes.

3 MR. BARGE: Well, as I go along, we have one.

4 MR. GROSSMAN: Okay. Well, if you do, you raise
5 the point and we'll recognize you at that point.

6 MR. BARGE: All right.

7 MR. GROSSMAN: Okay. Then we are ready to
8 proceed. I don't recall, Mr. Hughes, that you made an
9 opening statement the last time.

10 MR. HUGHES: No, sir. Could I make a brief one?

11 MR. GROSSMAN: Yes, please.

12 MR. HUGHES: Thank you. Good morning,
13 Mr. Grossman, again, thank you for this opportunity. As you
14 stated, we are asking for a special exception here to
15 provide a telecommunications facility on the subject
16 property.

17 We intend to show that there is a need in the area
18 for enhanced wireless connectivity. And there will be
19 testimony for the need from a radio frequency engineer, as
20 well as documents and as well as information provided by the
21 Montgomery County Tower Committee.

22 This is a parcel, it's about 10 acres. You will
23 hear testimony and see the plans that show that there are
24 significant setbacks in certain directions, and all the
25 setbacks, all the required setbacks are met.

1 You will also see, hear testimony that it meets
2 the setbacks to the offsite dwellings. And you'll see and
3 hear testimony, you'll see plans and aerials and photographs
4 that show that along with the setbacks there are a lot of
5 nice tall trees in the area, which give some additional
6 screening, as well as some structures on the property that
7 will screen the compound.

8 Then later, you will hear testimony also that the
9 landlord does own the property immediately to the south, and
10 you'll see photo simulations that show photos that were
11 taken from several different vantage points in and around
12 the area and what the simulated, what the balloon and what
13 the simulation will show, if anything.

14 In this case, there is evidence, and you will hear
15 evidence, about the Tower Committee review, and that they
16 did support that there was a need. And they did recommend
17 approval for the proposed design and height. You also have
18 the planning staff report where they recommended denial and
19 that it meets the specific and general special exception
20 criteria. And they offered some conditions, four conditions
21 which T-Mobile would not have any exception with those
22 recommended conditions.

23 With that, Mr. Grossman, I'd like to call our
24 first witness.

25 MR. GROSSMAN: Let me give Mr. Barge the

1 opportunity. Mr. Barge, you remain under oath. Mr. Barge?

2 MR. BARGE: Yes.

3 MR. GROSSMAN: Okay. You remain under oath. Do
4 you have an opening statement that you wish to make here?
5 You may have already given it at the last, but I'll give you
6 another opportunity.

7 MR. BARGE: Yes, I would like to make an opening
8 statement.

9 MR. GROSSMAN: All right. This is, once again,
10 this is just a brief statement, a brief statement. We're
11 going to give you the opportunity to further testify
12 regarding any changes in the plans, but this is just to,
13 kind of an outline where you outline what you want to --

14 MR. BARGE: Well, first of all, you said you
15 couldn't accept my original plat. My expertise informed me
16 that you only accept copies. So I made copies of my plats.

17 MR. GROSSMAN: Okay. What I said was that I
18 didn't think you wanted me to take your originals --

19 MR. BARGE: I didn't.

20 MR. GROSSMAN: -- because they would have to be
21 part of the record, not that I couldn't accept them.

22 MR. BARGE: I made copies for you.

23 MR. GROSSMAN: All right, sir. Thank you.

24 MR. BARGE: They're from the Maryland Department
25 of Agriculture, and the other is from the Montgomery County

1 Soil Conservation District.

2 MR. GROSSMAN: Okay. Yes. We'll --

3 MR. BARGE: Before I had my stroke, they awarded
4 me these.

5 MR. HUGHES: Can I -- no objection. Do you want
6 me to take those up, sir?

7 MR. GROSSMAN: All right.

8 MR. HUGHES: Mr. Barge, I'll carry them up.

9 MR. GROSSMAN: Thank you. Thank you, Mr. Hughes.
10 By the way, was there an extra set of exhibit lists out
11 there on the table?

12 MR. HUGHES: Yes, sir.

13 MR. GROSSMAN: Can I have that, please?

14 MR. HUGHES: I'll make sure Mr. Barge has one,
15 too.

16 MR. GROSSMAN: Okay. Thank you.

17 (Discussion off the record.)

18 MR. GROSSMAN: So your certificates and citations
19 are going to be Exhibit 34(a) and (b).

20 (Exhibit No. 34 was
21 marked for identification.)

22 MR. BARGE: Okay.

23 MR. GROSSMAN: And these are 34(a) is Maryland
24 Department of Agriculture award to Emory Barge for
25 conservation. And Exhibit 34(b) is an award by the

1 Montgomery Soil Conservation District to Mr. Barge for his
2 commitment to conservation. All right. Is that it for your
3 opening, sir?

4 MR. BARGE: No.

5 MR. GROSSMAN: Okay.

6 MR. BARGE: I'd like to make an opening statement.

7 MR. GROSSMAN: All right. You may do so.

8 MR. BARGE: My name is Emory D. Barge. My address
9 is 21910 Whites Ferry Road, Dickerson, Dumpsville, Maryland.
10 Now the reason I call it Dumpsville, I bought my farm in
11 1973. I retired from the government. At that time they
12 started, right after that, they started putting a lot of
13 things on us that we didn't have before.

14 And they brought in sludge from Blue Plains to
15 trench in on Elmsville Road, and it was supposed to be
16 treated sludge. But they brought in the Dickerson
17 Dumpsville sludge that was buried. And then after that they
18 opened up a police firing range on that property.

19 MR. GROSSMAN: Right. Mr. Barge, you've already
20 testified.

21 MR. BARGE: Oh, did I bring those things up.

22 MR. GROSSMAN: Yes. I actually summarized your
23 testimony. I read the transcript and summarized your
24 testimony as follows, so you don't have to repeat this.

25 Emory Barge testified he lived at 21910 Whites

1 Ferry Road, on a 170-acre farm located at .07 of a mile from
2 the proposed tower. He discussed awards he had won, and
3 another cell tower case, but noted that the reason why he is
4 opposed to this proposal is that it would give, it would be
5 in an agricultural preservation district. Quote, everything
6 is supposed to be beautiful, unquote.

7 He fears that the tower will make the place,
8 quote, ugly, along with other additions in the area, parens,
9 the Pepco plant, trenching in the sludge, and the police
10 firing range. He also feels that there is no need for a new
11 cell tower to improve service since he can already make
12 calls on his cell phone.

13 A map showing the Barge farm with an X was
14 introduced. Mr. Barge was unable to identify the carrier
15 which provides the service to his jitterbug, in quotes,
16 phone. So that was your, a summary of your testimony from
17 the last time. You don't have to repeat anything. It's all
18 in the record.

19 MR. BARGE: Okay.

20 MR. GROSSMAN: Okay. Now, so today, you can
21 address, since you had your opportunity to testify about the
22 general proposition of a cell tower here, you can address
23 any changes.

24 MR. BARGE: Yeah, the one thing, the one thing I
25 didn't mention, that Montgomery County has picked Dickerson

1 and the dumping for everything in Montgomery County. To
2 give an example, right up the road from this property, and
3 adjoining this property, they have established site number
4 2, the County, as landfill site number 2, 650 acres, that
5 they're going to, in the future, and I'll give you this copy
6 and you can keep it, that they're going to, in the future,
7 put in sludge into this property.

8 And this is near my property. And it adjoins
9 Ammerman's property. It shows here it adjoins it. 650
10 acres. The County came and bought all the houses up on the
11 perimeter. And it goes up Glacier Road, and it goes up
12 Martinsburg Road. And the County, in the future, is going
13 to dump all their stuff the other parts of Montgomery County
14 doesn't want. So that doesn't --

15 MR. GROSSMAN: How do we know that's the case?

16 MR. BARGE: What?

17 MR. GROSSMAN: How do we know the County is
18 planning this?

19 MR. BARGE: It's right here.

20 MR. GROSSMAN: All right.

21 MR. BARGE: It's a law.

22 MR. GROSSMAN: Why don't we have that marked.

23 Mr. Hughes, would you have any objection to it?

24 MR. HUGHES: No.

25 MR. BARGE: You can look at this. The County gave

1 me that.

2 MR. GROSSMAN: We'll actually mark it as an
3 exhibit.

4 MR. BARGE: The County gave me that.

5 MR. HUGHES: I just want to make sure he knows
6 that you're going to keep it, Mr. Grossman.

7 MR. GROSSMAN: Yes. I'm going to keep that. I'm
8 going to mark it as an exhibit.

9 MR. BARGE: Go ahead. I don't care. So, I wish
10 you'd take it up, Jon, instead of him.

11 MR. GROSSMAN: He's perfectly able to carry it up
12 for me. Thank you. This will be Exhibit 35.

13 (Exhibit No. 35 was
14 marked for identification.)

15 MR. BARGE: C?

16 MR. GROSSMAN: No, just 35.

17 MR. BARGE: Just 35.

18 MR. GROSSMAN: And it is -- let me look at what
19 exactly it is here. Well, I see something written in pencil
20 that says 650 acre landfill.

21 MR. BARGE: Yes, that's right.

22 MR. GROSSMAN: But who wrote the pencil?

23 MR. BARGE: You'll have to give me that. I'll
24 have to look at it. Jon, can you -- Jon, this is my friend
25 I brought with me.

1 MR. GROSSMAN: Okay.

2 MR. BARGE: He can walk.

3 MR. GROSSMAN: Please be careful of the wires
4 there as you cross.

5 MR. BARGE: Yeah, that's just a 650 acres that's
6 in the law, by the Assessment Department and Taxation. And
7 they went ahead and condemned the properties, the houses and
8 the farms around it, and paid the people for moving and so
9 forth.

10 MR. GROSSMAN: Okay. But that's just a map of the
11 area. Is there --

12 MR. BARGE: Well, that just shows what they've
13 done. So this is a ripe area for the cell tower to come in
14 and take what they want and know there won't be any
15 opposition.

16 I went by down Glacier Road and talked to some of
17 the owners near this cell tower.

18 MR. GROSSMAN: Mr. Barge, you can't tell me what
19 the owners said near the cell tower because that would be
20 kind of hearsay that I can't admit here. But I want to go
21 back to your map and what you said about this being a
22 condemned property. Is there some citation to a particular
23 action or a law or something that you can site me to?
24 Because that map doesn't really show me anything accept for
25 the area.

1 MR. BARGE: Well, the County has it on record,
2 Montgomery County. It's a law. It's passed. They own it.
3 The County bought it and they own it as a future, a future
4 landfill site number 2. I know about this because they
5 originally were going to take my property as landfill site
6 number 1 for the future dumping. They were going to take my
7 property, Dr. Leak's property in back of me, and Schaeffer's
8 property in back of me as landfill site number 1.

9 MR. GROSSMAN: All right. Is it that whole area
10 that's marked in gray on the map?

11 MR. BARGE: It's the whole area, 650 acres.

12 MR. GROSSMAN: Okay.

13 MR. BARGE: And that's to show, the only reason
14 I'm pointing this out, that's to show that when Montgomery
15 County wants to do something, they pick Dickerson
16 Dumpsville, police firing range going up on -- I know, going
17 up on the Double D.

18 Now this is important. When I bought the farm,
19 Pepco had a stack. It's now Myrant. Pepco had a stack for
20 the smoke. I couldn't see it. Then they came along and
21 built on twice as high. Pepco did it. And I can't see that
22 except in the winter when the leaves drop off the trees.

23 Now, when the leaves drop off the trees, I'll be
24 able to see the monopole, 155 foot on the end of my
25 property. Everybody will see it when the leaves -- it's

1 camouflaged right now. But the leaves drop off in October
2 and you'll be able to see it.

3 So if they build it, T-Mobile comes by and builds
4 these things when the trees are out. But when the leaves
5 fall, there it is. And I think you can see it from certain
6 properties with the leaves.

7 Now, they did the balloon test, which I went to,
8 and Sugarloaf was there. I asked for a picture of it, and
9 he said he's send me one, but I never got one from
10 Sugarloaf. But they, that was pretty high up, the balloon,
11 155 feet. So this is not a thing that's going to improve
12 the property. Now, Mr. Hughes said --

13 MR. GROSSMAN: By the way, there are copies of the
14 balloon test. Do you have extra copies for Mr. Barge?

15 MR. HUGHES: I did send him all the stuff we sent
16 you in July.

17 MR. GROSSMAN: Okay. All right.

18 MR. HUGHES: And there may be some in the staff
19 report, though, too.

20 MR. GROSSMAN: Okay. You should have copies.
21 You haven't seen the balloon test pictures?

22 MR. BARGE: No.

23 MR. GROSSMAN: There's some in the staff report
24 there. You should take a look. And they're also, do you
25 happen to have an extra copy with you, Mr. Hughes?

1 MR. HUGHES: Yes.

2 MR. BARGE: This thing? This thing here?

3 MR. GROSSMAN: Yes. Yes, right.

4 MR. BARGE: Okay. I gave it to you, Jon. I gave
5 you a copy.

6 MR. GROSSMAN: You have a copy for yourself, too.

7 MR. BARGE: Yeah, there's my truck in it, to show
8 that I went there. And that was pretty high up, let me tell
9 you something.

10 MR. HUGHES: These are the photos we took. Not
11 Sugarloaf's photos, but these are the photos we took. Do
12 you want to look at these, sir?

13 MR. BARGE: If I have time.

14 MR. GROSSMAN: On page 30 of the, they're
15 reproduced on page 30 of the staff report.

16 MR. BARGE: All that?

17 MR. HUGHES: Yes, sir. You can keep a set, if
18 you'd like, Mr. Barge.

19 MR. BARGE: It's going up. It won't make any
20 difference to me. Now, Mr. Hughes, so I'm getting back to
21 the point, whenever the County wants to dump something or
22 start something, they do it in Dickerson Dumpsville because
23 they know there won't be any opposition. Like I'm the only
24 one here opposed.

25 I went down Glacier Road and talked to some of the

1 owners.

2 MR. GROSSMAN: You can't tell me what --

3 MR. BARGE: I know. I'm not going to tell you
4 what they said.

5 MR. GROSSMAN: Okay.

6 MR. BARGE: But I just, I'll tell you what I did.

7 I went down and talked to them. And I found out, in the
8 past, going down and trying to get people to sign a
9 petition, they say, I don't want to get involved. The
10 County is powerful. They can do something to you. They can
11 raise your taxes. I don't want to speak.

12 And it's funny that, and I want to point this out,
13 I'm afraid to say it that you may throw me out of here, but
14 I objected to the guy saying it. I go to McDonalds to have
15 lunch. And I go inside sometimes, only for the reason that
16 the tables are bolted to the ground and the seats are bolted
17 to the ground. I can pull myself up. I can't go to
18 Starbucks or to Panera because their seats move.

19 And I was in there one day studying all these
20 papers trying to make sense of everything, trying to think
21 of something clever to say, and I couldn't. And then some
22 guy next to me said, what are you doing? I see you have all
23 these papers. He said -- I said to him, I'm opposing the
24 cell phone tower in Dickerson. He says --

25 MR. GROSSMAN: No.

1 MR. BARGE: I know, but I was told that you don't
2 stand a chance because of Jack Johnson techniques. T-Mobile
3 has deep pockets. They get what they want, like the
4 developers. You give enough money to things -- and I said,
5 not Montgomery County. We don't operate like P.G. County,
6 Jack Johnson. You don't pull that stuff in Montgomery
7 County.

8 I got up and walked out in disgust, because I
9 didn't believe what he said. He said, you'll see what I'm
10 talking about. That tower is coming, you can believe it.
11 Deep pockets.

12 And I read in the paper where this federal judge,
13 now I remember back in 1982 when Judge Greene, 1982, ruled
14 against AT&T as being a monopoly. And sure enough AT&T is a
15 monopoly, and they defeated AT&T. Then AT&T had to break up
16 all their holdings. I know. They broke up all their
17 holdings and sent to the stockholders, send back your AT&T
18 stock.

19 MR. GROSSMAN: Mr. Barge, you're getting way off
20 the point. First of all, it has nothing to do with T-Mobile
21 deep pockets. It has nothing to do with this proceeding.
22 This is a proceeding in which we have to determine whether
23 or not T-Mobile has satisfied its statutory criteria. It
24 has nothing to do with whether anybody has deep pockets.

25 MR. BARGE: Well, I thought \$39 billion was a lot

1 of money for T-Mobile.

2 MR. GROSSMAN: It doesn't matter if they have 20
3 cents or not, the point is that we have to look at the
4 statutory criteria, and nobody in this process, nobody in
5 the special exception process has any connection whatever
6 with T-Mobile, nor will they benefit in any way from T-
7 Mobile.

8 MR. BARGE: Well, he did say in his opening
9 statement just a minute ago, we have established there's a
10 need in the area for this cellular phone tower.

11 MR. GROSSMAN: Right.

12 MR. BARGE: And I would like to know, number one,
13 who said there was a need? Because I went down there with
14 friends of mine with our cell phones, and we got clear
15 reception all the way to Alaska.

16 MR. GROSSMAN: Were they T-Mobile cell phones?
17 Were they T-Mobile carrier cell phones?

18 MR. BARGE: I don't know. I know mine is Verizon.

19 MR. GROSSMAN: Right.

20 MR. BARGE: And so who said there was a need. I
21 mean --

22 MR. GROSSMAN: Well, you have to listen to the
23 evidence. That's why I asked you if you had an opening
24 statement, not your testimony.

25 MR. BARGE: Yeah.

1 MR. GROSSMAN: You have to listen to the evidence
2 here, and then you'll hear how they establish whether or not
3 there is a need, because they're going to present some
4 evidence here.

5 MR. BARGE: Judge, you know, do the towers
6 increase the value of the property and surrounding
7 properties? Do they increase the value or decrease it?

8 MR. GROSSMAN: Well, you're going to hear some
9 evidence regarding that, too, I presume, as well, if
10 Mr. Hughes chooses to put it on. Let me, you have to stick
11 to what it is, what -- this procedure right now is supposed
12 to be your opening statement, not your testimony. But, of
13 course, part of it was your testimony.

14 Would you have your friend, Jon, Jon, what is your
15 last name, sir?

16 MR. ANDERSON: Anderson.

17 MR. GROSSMAN: Mr. Anderson, would you mind
18 handing me that exhibit back so I have it, since it's now in
19 the record here. Exhibit 35.

20 MR. BARGE: You can erase that pencil. I wrote
21 that down.

22 MR. GROSSMAN: No, I don't have to erase anything.

23 MR. BARGE: Okay.

24 MR. GROSSMAN: I just want to make sure --

25 MR. BARGE: That's the 650 acres that adjoins the

1 Ammerman property

2 MR. GROSSMAN: Okay. This is a map of site

3 Mr. Barge --

4 MR. BARGE: And you see all the site adjoining it.

5 MR. GROSSMAN: -- indicates has been condemned by
6 the County as future landfill. All right. Let's turn now
7 and let Mr. Hughes put on his case, and then if you have
8 anything to say about the evidence that he has put on, then
9 you will be allowed to testify as to it.

10 MR. BARGE: Well, I have something else to say.
11 I'm just a citizen just trying to speak.

12 MR. GROSSMAN: I know, and I'm going to let you
13 speak, but the usual procedure is that we hear from the
14 applicant first, because they're the ones that have the
15 burden of going forward with the evidence. But I'll let you
16 say it. You have something else you want to say now?

17 MR. BARGE: Well, he can manufacture all the
18 evidence in the world. I can't.

19 MR. GROSSMAN: It's a question of giving, of being
20 fair to both sides. He has a right to put on his evidence,
21 and you have a right to put on your evidence.

22 MR. BARGE: All right.

23 MR. GROSSMAN: The procedure usually is that the
24 evidence from the applicant, the person who has the burden
25 of going forward with the evidence is the applicant.

1 Usually the procedure is, the applicant goes first. That's
2 why I said, an opening statement. I was offering to let you
3 make an opening statement.

4 MR. BARGE: Well, I already had made it when he
5 said that --

6 MR. GROSSMAN: No, that was only his opening.
7 That's telling you what he intends to proof.

8 MR. BARGE: Well, there's a need for it.

9 MR. GROSSMAN: That he will put on witnesses about
10 that. I know this is not a procedure you're familiar with.
11 Let's go on and let him put on his evidence and then you
12 will have another opportunity, okay, to put on whatever
13 evidence you want. All right, Mr. Barge. I'm not going to
14 cut you off. I'm going to give you the opportunity, but
15 first --

16 MR. BARGE: To say a few things, even though out
17 of scope they don't mean a thing.

18 MR. GROSSMAN: Well, I'm not going to -- I can't
19 say I'm going to let you say anything that has nothing to do
20 with the case. We're limited here to relevant evidence.
21 Okay. Everything that is relevant.

22 And I've given you very broad latitude here. And
23 you've talked about a lot of things that are not relevant.
24 But I've given you that opportunity, because I want you to
25 know that you are being heard. But we do, we're required to

1 stick to the relevant evidence. And that's the only
2 evidence that I can consider.

3 I can't consider other things, such as your
4 impression at McDonalds from someone you spoke to. Those
5 are not before me.

6 MR. BARGE: Sir, what makes it relevant evidence,
7 if you can ask a question?

8 MR. GROSSMAN: If you have relevant -- you're
9 going to be given the opportunity to ask questions of his
10 witnesses as they testify.

11 MR. BARGE: Is Ammerman here?

12 MR. GROSSMAN: I don't know.

13 MS. MORRISON: He'll be back in a few minutes.

14 MR. BARGE: Ammerman is not here.

15 MR. HUGHES: No. Well, he is here. He had to put
16 more money in the meter.

17 MR. GROSSMAN: And he doesn't, he does not
18 necessarily have to be present, but in any event --

19 MR. BARGE: I just want to point out at the last
20 hearing years ago, I defeated a cell phone tower.

21 MR. GROSSMAN: I know, but that's a different
22 case. It has nothing to do with this one.

23 MR. BARGE: Okay. And I said then, and it
24 applies now, the owner of the property is not here. The
25 owner of the property that they're going to pay the \$29,000

1 a month for to put the cell phone tower up, that owner is
2 not here. He's the only one that's benefitting. He gets
3 some money for the tower.

4 MR. GROSSMAN: All right. But in any event, they
5 have evidence in the case. He's the co-applicant, and so he
6 is before me in terms of his application. Let's give the
7 applicant an opportunity to put on his evidence, okay, or
8 their evidence. Mr. Hughes, who is your first witness?

9 MR. HUGHES: Thank you, Mr. Grossman. I'd like to
10 call Mr. Michael McGarity.

11 MR. GROSSMAN: Okay.

12 MR. HUGHES: Take a seat there, Mike.

13 MR. BARGE: Who is he, Your Honor?

14 MR. GROSSMAN: We're going to find out right now.

15 MR. BARGE: Okay.

16 MR. GROSSMAN: Okay. Mr. McGarity, would you
17 raise your right hand, please?

18 (Witness sworn.)

19 MR. GROSSMAN: All right, Mr. Hughes.

20 MR. HUGHES: Thank you. I'm going to give a copy
21 to Mr. Barge of the documents.

22 MR. GROSSMAN: All right.

23 DIRECT EXAMINATION

24 BY MR. HUGHES:

25 Q Mr. McGarity -- I'm sorry, Mr. Barge, can I switch

1 with you? I apologize. This one is the colored one I meant
2 to give to the hearing examiner. Mr. McGarity, do you
3 recognize this document, sir?

4 A Yes, this is my resume.

5 (Discussion off the record.)

6 MR. GROSSMAN: All right. This is Exhibit 36. It
7 is resume of Michael McGarity.

8 (Exhibit No. 36 was
9 marked for identification.)

10 BY MR. HUGHES:

11 Q Mr. McGarity, can you tell us a little bit about
12 your professional, educational background?

13 A Yes. I have a bachelor's in civil engineering
14 from the University of Maryland. I work for Daft, McCune
15 and Walker in Towson. We're an engineering consulting firm
16 employed by T-Mobile to prepare, do surveying and site
17 planning services for their installations.

18 Q Thank you. How long have you been working in this
19 line of work?

20 A A little over 13 years.

21 Q Okay. And during those 13 years, if this is one
22 site that you've helped design and draw -- is it fair to say
23 you've helped design this drawing?

24 A Yes.

25 Q If this is one site you've worked on, how many

1 sites have you worked on in your career?

2 A Probably over 1,000.

3 Q Okay. And you're familiar with this site, is that
4 correct?

5 A I am, yes.

6 Q You've worked on this site?

7 A I have.

8 Q Have you ever testified before at a hearing like
9 this?

10 A Yes, I have.

11 Q Have you ever been recognized as an expert in this
12 jurisdiction or any other jurisdictions?

13 A Yes.

14 MR. GROSSMAN: What capacity?

15 BY MR. HUGHES:

16 Q Have you been recognized as an expert in the civil
17 side of designing a cell site, is that correct?

18 A Yes.

19 MR. GROSSMAN: You mean civil engineering?

20 MR. HUGHES: Yes, sir.

21 MR. GROSSMAN: Okay.

22 BY MR. HUGHES:

23 Q And which, if you can recall, which jurisdictions
24 have you been recognized as that type of expert?

25 A In addition to Montgomery County, Carroll, Howard,

1 Harford, Anne Arundel, Frederick. I can't think of anymore
2 off the top of my head.

3 MR. GROSSMAN: You've testified before the hearing
4 examiner here?

5 THE WITNESS: Yes, I have.

6 MR. GROSSMAN: In what cases?

7 THE WITNESS: For T-Mobile, the name of the site?

8 MR. HUGHES: He won't know your case number.

9 MR. GROSSMAN: Okay.

10 MR. HUGHES: Maybe the road he might know. I
11 don't know if that helps us or not. Or he can tell roughly
12 what month or what year.

13 MR. GROSSMAN: Or the owner of the property?

14 THE WITNESS: Wildlife Achievement.

15 MR. GROSSMAN: Okay.

16 THE WITNESS: Northlake Apartments.

17 MR. GROSSMAN: Okay.

18 THE WITNESS: There's several others.

19 MR. GROSSMAN: The Isaak one, you said that was a
20 case before me?

21 THE WITNESS: Yes, I have testified before you.
22 Yes.

23 MR. GROSSMAN: Okay.

24 MR. HUGHES: I'd like to offer him as an expert in
25 the civil engineering side of the cell site design.

1 MR. GROSSMAN: All right. All right. By the way,
2 are you licensed in Maryland as a civil engineer?

3 THE WITNESS: I am not a licensed engineer, but my
4 company is a licensed engineer.

5 MR. GROSSMAN: All right.

6 THE WITNESS: The plan was signed by a licensed
7 engineer that works for my company.

8 MR. GROSSMAN: All right. Mr. Barge, any
9 questions of this witness as to his expertise? This is the
10 portion where we question the witness as to their expertise,
11 if you have a question about his expertise in civil
12 engineering?

13 MR. BARGE: I don't know of any questions that I
14 would ask him.

15 MR. GROSSMAN: Okay. That's fine. Let me explain
16 a little bit about what an expert witness is. An expert
17 witness doesn't necessarily have to be licensed by the
18 State. An expert witness in any court proceeding or a
19 hearing, administrative proceeding, is somebody who has a
20 knowledge beyond the ken of laymen in a particular area, and
21 can offer evidence that will be of assistance to the fact
22 finder.

23 And in view of that standard, I do accept
24 Mr. McGarity as an expert in civil engineering citing of
25 cell tower sites. All right.

1 MR. HUGHES: Thank you.

2 MR. GROSSMAN: Mr. Hughes.

3 BY MR. HUGHES:

4 Q Mr. McGarity, can you explain to us, paint a
5 picture for us of what's being proposed here, and perhaps
6 utilize your drawing, which I believe is Exhibit --

7 A May I stand up here?

8 MR. GROSSMAN: Yes.

9 BY MR. HUGHES:

10 Q Exhibit -- we updated it, sorry. Exhibit 20 or
11 21. 20 is the large plan, I believe, Mr. Grossman. I
12 believe 21 is the reduced size.

13 MR. GROSSMAN: All right. Let me --

14 MR. HUGHES: And I'll give, I think Mr. Barge has
15 a copy, or had, but let me make sure he has one. Would you
16 like a copy of the drawing, Mr. Barge?

17 MR. BARGE: More stuff.

18 MR. HUGHES: I know. Mr. Grossman, would you like
19 the small version, or do you have one there, sir?

20 MR. GROSSMAN: Let's see if we do have one.

21 MR. HUGHES: I'll make it handy for you. I can
22 pull it out.

23 MR. GROSSMAN: All right. Thank you.

24 MR. BARGE: It's a done deal. It's a done deal,
25 Jon. He works for T-Mobile.

1 MR. GROSSMAN: Mr. Barge, please don't speak out
2 in the middle of somebody else's case. Okay. We've given
3 you ample opportunity, and you've had ample opportunity to
4 testify on both occasions. Now show the other people some
5 respect, also.

6 MR. BARGE: I forgot what I said in the first,
7 June 24th, I think it was.

8 MR. GROSSMAN: Right, it was June 24th. But you
9 have to --

10 MR. BARGE: It's been a long time.

11 MR. GROSSMAN: You have to not interrupt them.

12 MR. BARGE: Okay.

13 MR. GROSSMAN: We'll give you the opportunity to
14 cross-examine their witnesses when the appropriate time
15 comes. But you can't be speaking back to people in the
16 audience in the middle.

17 BY MR. HUGHES:

18 Q Go ahead, Mr. McGarity, please?

19 A Okay. T-Mobile is proposing to install a
20 telecommunications installation at Mr. Ammerman's property
21 located at 19100 Wasche Road in Dickerson, Maryland. They
22 are proposing at 155-foot high concealment type monopole.

23 Q I'm going to stop you just for a second. Would
24 you explain what a concealment monopole is for everyone?

25 A Sure. That's just one term that it's given. They

1 are sometimes also called slick sticks or flagless flag
2 poles. And what it basically means is that it's a pole
3 where the antennas are located on the inside of the
4 structure and are not visible.

5 MR. GROSSMAN: Okay.

6 BY MR. HUGHES:

7 Q And what type of equipment, thus, will be inside
8 instead of perhaps outside on a non-concealment pole?

9 A On a traditional monopole there is generally a
10 triangular type platform mounted to the pole on the exterior
11 of the pole, with the antennas also being mounted on the
12 platform on the exterior. And they are visible.

13 Q There are also potentially cables that run to the
14 antennas that are etched outside?

15 A Yes, potentially.

16 Q Okay.

17 A Yes.

18 Q Okay. And so you said flagless flag pole. So
19 essentially it's like a flag pole without the flag and
20 perhaps wider than a traditional flag pole, is that correct?

21 A That's correct.

22 Q Okay. Go ahead. I'm sorry.

23 A The property is located in the RDT zoning
24 district. It is 10 acres in size, located off of Wasche
25 Road. The site plan here, you can see, this is the entrance

1 onto Wasche Road.

2 MR. GROSSMAN: All right. So, just for the
3 record, you're looking at a copy of Exhibit 20(a).

4 THE WITNESS: Should I write that on here?

5 MR. GROSSMAN: You can. Sure. But it's already
6 in the record.

7 THE WITNESS: To help you, though.

8 MR. GROSSMAN: Okay.

9 THE WITNESS: And there are two sheets to it.

10 MR. GROSSMAN: Yes, there's 20(a) and 20(b), what
11 was introduced the last time. The one you're looking at now
12 is marked 20(a).

13 THE WITNESS: Okay.

14 MR. GROSSMAN: All right. And what was the
15 location you were just pointing to on there?

16 THE WITNESS: The entrance to the property is in
17 the northeast corner --

18 MR. GROSSMAN: Okay.

19 THE WITNESS: -- of the property by Wasche Road,
20 that I'm pointing to right now. And accessed by a gravel
21 driveway back to an existing, an existing building used as
22 a, I believe, as a repair/garage type shop. And along, the
23 site is also heavily wooded to the north and to the
24 southeast and west.

25 T-Mobile's proposed location is centered in the

1 property more towards the rear, where the 50 by 50-foot
2 compound is proposed to be installed. Access to the site
3 would be through the existing gravel drive that is currently
4 there.

5 The monopole has been recently relocated per this
6 plan to, so that it would meet all the necessary setback
7 requirement for the zone, and that being a one-to-one
8 setback from any property line to the pole, to the tower
9 itself.

10 MR. GROSSMAN: And just so Mr. Barge
11 understands --

12 MR. BARGE: I can't understand him at all. I
13 mean, I can't hear him.

14 MR. GROSSMAN: Okay. Try to speak up a little bit
15 so he can hear.

16 THE WITNESS: Sure.

17 MR. GROSSMAN: He indicated that there are
18 statutory setbacks requires, in other words, the Zoning
19 Ordinance requires that any cell tower be setback a certain
20 distance from the property lines. It also requires that it
21 be setback a certain distance from any residence. And what
22 he has said is that it meets these setback requirements
23 which in this zone, in the agricultural zone, is one foot
24 for every one foot of pipe. Is that correct?

25 THE WITNESS: That's correct.

1 MR. GROSSMAN: Of the cell tower. It has to be at
2 least -- so in this case, since the cell tower is 155 --

3 THE WITNESS: 155 --

4 MR. GROSSMAN: -- feet tall, proposed, it must be
5 set back from the property lines 155 feet in order to meet
6 the setback requirements.

7 MR. BARGE: So the first one they had 46 feet
8 setback, and that's why you had the second meeting?

9 MR. GROSSMAN: Right. The first one, I don't
10 remember exactly what the first one was, but it was not, did
11 not meet the setback requirements. And that's why, then
12 that's why they modified their plans to meet the setback
13 requirements.

14 MR. BARGE: They modified the plan.

15 MR. GROSSMAN: Right. All right. Go ahead,
16 Mr. McGarity.

17 THE WITNESS: I was going to go through the
18 setback --

19 BY MR. HUGHES:

20 Q Yes.

21 A -- the setbacks.

22 Q Okay. So in this case, we've relocated the tower
23 to meet all the applicable setbacks. From the front
24 property line along Wasche Road we now have a setback of 847
25 feet. From the north side property line we have a setback

1 of 198 feet. From the south side property line we have a
2 setback of 195 feet. And from the rear property line we
3 have a setback of 249 feet.

4 MR. GROSSMAN: All right.

5 THE WITNESS: The zoning code also stipulates that
6 the tower must be set back at least 300 feet from any off
7 site dwellings. In this case, the closest off site dwelling
8 is 678 feet, as indicated here on this dimensionless plan.

9 And let me mention that it is also, Mr. Ammerman owns that
10 property as well.

11 MR. GROSSMAN: Okay. So that offsite dwelling is
12 to the --

13 THE WITNESS: Southeast.

14 MR. GROSSMAN: -- southeast of the proposed tower
15 location, and 678 feet away?

16 THE WITNESS: That's correct.

17 BY MR. HUGHES:

18 Q And I'm sorry, you said that's Mr. Ammerman's?

19 A Mr. Ammerman owns that property. Yes.

20 MR. GROSSMAN: And that, the statutory requirement
21 is what distance?

22 THE WITNESS: 300.

23 MR. GROSSMAN: 300 feet. Okay.

24 THE WITNESS: Which is also indicated by the 300-
25 foot radius circle around the tower on the plan.

1 MR. GROSSMAN: All right.

2 BY MR. HUGHES:

3 Q Thank you. You've been out and visited the site,
4 or have you been out to visit the site?

5 A I have.

6 Q And I'm going to ask you if you can identify a
7 photograph. Let me give Mr. Barge one first.

8 MR. GROSSMAN: Thank you.

9 BY MR. HUGHES:

10 Q Are you able to identify this photograph,
11 Mr. McGarity?

12 A Yes. This is a Google aerial photo of
13 Mr. Ammerman's property and some of the surrounding area.

14 MR. GROSSMAN: Is this in the record already?

15 MR. HUGHES: I do not believe so. No, sir.

16 MR. GROSSMAN: So let's mark it as an exhibit.

17 And it will be Exhibit 37. Google aerial photo of site and
18 surrounding area.

19 (Exhibit No. 37 was
20 marked for identification.)

21 BY MR. HUGHES:

22 Q Is there a date on this, Mr. McGarity?

23 A Yes, in the lower left hand corner, August 28th,
24 2010.

25 Q Okay. And is it your understanding that that's,

1 this is roughly how the property still looks now, a pretty
2 fair depiction?

3 A Yes.

4 Q Now, can you just orient us a little bit on what
5 this shows in this photo?

6 A Sure. Just to the right of where the little pink
7 balloon is there is Wasche Road, and the entrance to
8 Mr. Ammerman's property. You can kind of see through the
9 tree line how the road goes back to the existing building
10 and kind of moves around.

11 There is another small shed in the center of the
12 property that I'm pointing to. It's kind of --

13 Q What color is that?

14 A It has a brown roof to it.

15 Q Okay.

16 A And if you're at that shed and you head in a
17 northwesterly direction, you'll see -- it's hard to tell
18 from the photo, but it looks like it may be a trailer or
19 some equipment along a fence line that runs, that runs north
20 to south. The tower location would approximately be where
21 that equipment is on this aerial photograph.

22 MR. GROSSMAN: Why don't you mark it, mark with an
23 X the location of the proposed tower on this photograph.

24 MR. BARGE: Can you put it on my copy, too?

25 MR. GROSSMAN: Yes.

1 MR. BARGE: Thank you. Where the tower is.

2 MR. GROSSMAN: And I'm going to write on here,
3 tower site.

4 BY MR. HUGHES:

5 Q Mr. McGarity, can you also put it on your copy,
6 too, please?

7 MR. BARGE: Sorry, I don't see where it is. Can
8 you circle it?

9 MR. HUGHES: It's right here, Mr. Barge. See that
10 red X.

11 MR. GROSSMAN: It's pretty dark on the photo.

12 MR. HUGHES: It's kind of hard to see. It's right
13 there.

14 MR. BARGE: I want you to highlight it in yellow.

15 THE WITNESS: Here, I've got a yellow highlighter,
16 Mr. Barge.

17 MR. BARGE: Right here.

18 THE WITNESS: Do you want me to do it?

19 MR. BARGE: Yes. Right here.

20 THE WITNESS: Yes, sir.

21 MR. BARGE: That's where the cell phone tower is
22 going.

23 MR. HUGHES:

24 Q Yes, sir. I apologize. I lost my train of
25 thought here. Okay. Mr. McGarity, do you know what the --

1 I think you described the property as being 10 acres. Do
2 you know roughly how many square feet that is?

3 A 435,600 square feet.

4 Q Okay. And how many square feet is the compound?

5 A 2,500, 50 by 50, 2,500 square feet.

6 Q Do you know, if you do, roughly what percentage of
7 the property is proposed? If you know, I know that's a lot
8 of math.

9 A Not off the top of my head.

10 Q Okay.

11 A It's, I would imagine, very, very little

12 Q Okay.

13 A Probably 1 percent.

14 Q Okay. Thank you. And so you have, you've
15 reviewed and helped draw these plans, is that correct?

16 A That's correct.

17 Q One of your colleagues, a manager, is the one who
18 is actually licensed and stamped this, is that correct?

19 A That's correct.

20 Q Okay. And again, what's the date of this plan,
21 and where is that on the plan?

22 A It's in the lower right hand portion of the plan
23 under the scheduled revisions. It's dated June 22nd, 2011.

24 And it's also written where our engineer signed and sealed
25 the plan and dated it as well, 6/22/11.

1 Q Thank you.

2 MR. GROSSMAN: Actually, I don't see the -- I see.

3 Wait a second. I see the typed certification on here. I

4 don't see the seal on the record copy.

5 MR. HUGHES: I'm not sure what happened there.

6 MR. GROSSMAN: Am I correct?

7 MR. HUGHES: You're right. I don't see it on

8 this.

9 THE WITNESS: I believe that was submitted at the
10 previous hearing --

11 MR. GROSSMAN: It was.

12 THE WITNESS: -- as a preliminary exhibit without
13 being finalized yet.

14 MR. GROSSMAN: All right. So --

15 THE WITNESS: I can assure you that nothing has
16 changed.

17 MR. GROSSMAN: Why don't we do this. Why don't we
18 mark that copy that you have on the board as Exhibit 38(a)
19 will be the --

20 (Exhibit No. 38 was
21 marked for identification.)

22 THE WITNESS: Change this from 28 to 38(a)?

23 MR. GROSSMAN: It was 28. It will be 38.

24 MR. HUGHES: We also have extra copies here.

25 MR. GROSSMAN: All right. So mark that.

1 Whichever. I just want to make sure that the record has a
2 copy --

3 MR. HUGHES: Yes, sir.

4 MR. GROSSMAN: -- where you've got the engineer's
5 seal on it.

6 MR. HUGHES: Yes, sir. 38(a).

7 MR. GROSSMAN: So 38(a) is the first page. And
8 that's, so it's site plan page one. And 38(b) will be site
9 plan page two.

10 MR. HUGHES: Thank you, Mr. Grossman. Those would
11 be my questions for Mr. McGarity.

12 MR. GROSSMAN: And also since you've given me a
13 copy, actually you've given me a number of copies, I think,
14 of the reduced size copy with a seal on it, I'm going to
15 make that 39(a) and 39(b). And that will be the 11 by 17
16 copy of -- 39(a) is the 11 by 17 copy of site plan page one.
17 And 39(b) is 11 by 17 copy of site plan page two. Okay.

18 You said those are all your questions of Mr. McGarity?

19 (Exhibit No. 39 was
20 marked for identification.)

21 MR. HUGHES: Yes, sir.

22 MR. GROSSMAN: All right. Mr. Barge, do you have
23 any questions you want to ask Mr. McGarity in relation to
24 what he's testified? Okay, cross, they call it cross-
25 examination. I'm sure if you watched Perry Mason, you've

1 seen that. Just you ask questions if you have any of
2 Mr. McGarity, based on what he's testified to. This is your
3 opportunity to ask him questions.

4 MR. BARGE: If I ask him the question, do you live
5 in the area, is that proper?

6 MR. GROSSMAN: You can ask him that, sure. You
7 can have a seat.

8 CROSS-EXAMINATION

9 BY MR. BARGE:

10 Q Do you live in Dickerson?

11 A I do not. No, sir.

12 Q What County do you live in?

13 A I live in Carroll County.

14 Q Carroll County. And you work for T-Mobile. Do
15 you get paid by them?

16 A I work for a company called Daft, McCune, Walker,
17 who is employed by T-Mobile to provide --

18 Q So your employer works for T-Mobile?

19 A Yes.

20 Q How many cell phone towers are in Montgomery
21 County?

22 A I don't know.

23 Q You've done a lot of work for them, haven't you,
24 on the towers?

25 A I have.

1 Q Do you know how many? Is it over five, over 10,
2 over 100?

3 A I'm sure that it would be.

4 Q Over 100?

5 A I don't know but I would guess yes.

6 Q Is there one on your property?

7 A Which property?

8 Q Where you live. Is there a flag pole on your
9 property?

10 A No, sir.

11 Q And this is like a flag pole, is that right?

12 A Similar, yes.

13 Q So if I want to put a flag pole on my property, it
14 would be like a cellular phone tower? It wouldn't be just a
15 straight pole where you run a flag up? It would be built
16 like a cellular tower?

17 A I'm not sure I follow the question.

18 MR. GROSSMAN: Well, I think his testimony was
19 that this is more like a flag pole in that the antennas are
20 not on the outside of this pole. The antennas are inside
21 the pole.

22 BY MR. BARGE:

23 Q But it's a three-legged structure?

24 A No, sir.

25 MR. GROSSMAN: No. No.

1 BY MR. BARGE:

2 Q It's a one-legged?

3 A It's just a pole.

4 Q A pole?

5 A Yes.

6 Q 155-foot pole.

7 MR. GROSSMAN: There's a picture. Look on page
8 two. Do you have a copy of the -- did you give him a copy
9 of it?

10 MR. HUGHES: I did.

11 MR. BARGE: I've got so much junk here.

12 MR. GROSSMAN: Page two of the site plan.

13 MR. BARGE: I think Jon has it.

14 MR. GROSSMAN: Here's another copy.

15 MR. HUGHES: He has it. It's on page two,
16 Mr. Barge.

17 MR. GROSSMAN: Look on the second page.

18 BY MR. BARGE:

19 Q It's on a concrete pad?

20 A It would be on a concrete foundation, yes.

21 Q And how, how big is the foundation, concrete
22 foundation?

23 A I don't believe the design has been done yet, but
24 typically it's a six to eight-foot diameter.

25 MR. GROSSMAN: Mr. Anderson, would you help

1 Mr. Barge. There, you've got it. Okay. Do you see the
2 picture of it? That's what it's going to look like.

3 BY MR. BARGE:

4 Q That's pretty big. It's how far across this way?

5 MR. HUGHES: Mr. McGarity, again, I have to --

6 BY MR. BARGE:

7 Q What's the width of it?

8 A It's approximately six to eight feet.

9 MR. HUGHES: No, no, he's talking about the pole
10 now.

11 THE WITNESS: The pole?

12 MR. HUGHES: Yes.

13 THE WITNESS: Approximately four feet.

14 BY MR. BARGE:

15 Q Have you talked with any of the other owners?

16 A I have not.

17 Q Adjoining owners? That would be a question for
18 Mr. Hughes.

19 MR. GROSSMAN: Okay. Well --

20 MR. BARGE: No, we're finished with him.

21 MR. GROSSMAN: Okay. All right. Any redirect?

22 MR. HUGHES: No, sir.

23 MR. GROSSMAN: All right. Thank you,

24 Mr. McGarity. All right. Your next witness.

25 MR. HUGHES: I call Ms. Hillorie Morrison, please.

1 (Discussion off the record.)

2 MR. GROSSMAN: Ms. Morrison, would you raise your
3 right hand, please?

4 (Witness sworn.)

5 MR. GROSSMAN: All right. You may proceed.

6 MR. HUGHES: Thank you. I'm going to give
7 Mr. Barge a copy of a document.

8 MR. GROSSMAN: Okay.

9 MR. BARGE: For what?

10 MR. GROSSMAN: He's required to share with you,
11 whenever he has an exhibit marked, he's got to give you a
12 copy, in fairness, so you know what's going on.

13 MR. BARGE: I could sell this by the pound.

14 (Discussion off the record.)

15 MR. GROSSMAN: This will be Exhibit 40.

16 (Exhibit No. 40 was
17 marked for identification.)

18 DIRECT EXAMINATION

19 BY MR. HUGHES:

20 Q Ms. Morrison, are you able to identify this
21 document?

22 A Yes. It's my life. It's my resume.

23 Q Okay. And have you -- can you tell us a little
24 bit about your professional and educational background,
25 please?

1 A Yes. I have a master's degree in urban and
2 regional planning from University of Wisconsin, also a
3 master's degree in public administration from University of
4 Wisconsin. And I have a J.D. from University of Maryland.
5 I am a member of the bar.

6 I practiced planning for approximately 15 years in
7 Baltimore County, Maryland, doing zoning legislation. And
8 I've been in the telecommunications industry for going on 11
9 years.

10 MR. GROSSMAN: All right.

11 MR. HUGHES: Mr. Grossman, I think you're aware,
12 but Mr. Barge, Ms. Morrison does have a voice condition, and
13 I know it's hard for you to hear her. Do you want to move
14 closer, sir?

15 MR. BARGE: No. I thought you were pointing to my
16 cane that I had a hearing device in it.

17 MR. HUGHES: Oh no.

18 THE WITNESS: You have a hearing device?

19 MR. BARGE: I have a hearing device in the base of
20 this.

21 MR. HUGHES: If you want to sit here and we can
22 hear her --

23 MR. GROSSMAN: Why don't we have, why don't we
24 have Ms. Morrison pop over one seat closer, and then
25 Mr. Hughes, you can have the seat there next to her.

1 (Discussion off the record.)

2 BY MR. HUGHES:

3 Q Ms. Morrison, if this is a particular site, how
4 many sites like this have you worked on during your career
5 in this industry?

6 A I've worked on at least a couple hundred what we
7 call raw land sites, which is a new pole. And I've worked
8 on easily 1,000 co-locations.

9 Q Okay. Have you ever testified before a zoning
10 hearing like this one today?

11 A Yes, I have.

12 Q Have you ever been recognized as an expert in
13 planning and/or zoning?

14 A Yes, in Montgomery County for several cases,
15 Baltimore County, Carroll County, Frederick County,
16 Maryland, and Howard County, I've testified there. They
17 don't have an expert witness recognition there.

18 MR. GROSSMAN: Okay. And when you testified here
19 you were certified as an expert in?

20 THE WITNESS: Planning and in telecommunications
21 siting.

22 MR. GROSSMAN: All right. Land use planning and
23 telecommunications siting?

24 THE WITNESS: Right.

25 MR. GROSSMAN: Okay.

1 MR. HUGHES: And that's what I'd like to offer her
2 as an expert today in.

3 MR. GROSSMAN: All right. Do you have any
4 questions of Ms. Morrison regarding her expertise?

5 BY MR. BARGE:

6 Q Who do you, or do you work for T-Mobile?

7 A No. I work for a company called Network Building
8 and Consulting.

9 Q Do they work for T-Mobile?

10 A T-Mobile contracts with Network Building and
11 Consulting.

12 Q Contracts with your boss.

13 A For my services. That is correct.

14 Q So you are, in fact, speaking for
15 T-Mobile?

16 A I am speaking for T-Mobile. I am authorized to
17 speak for T-Mobile.

18 Q Do you live in Montgomery County?

19 A I do not.

20 MR. BARGE: Okay. That's all the questions I
21 have.

22 MR. GROSSMAN: Okay. All right. Ms. Morrison,
23 having testified as an expert before the hearing examiner
24 before and having considerable experience and qualifications
25 in land use planning and in telecommunications siting, I

1 accept her as an expert in such.

2 MR. HUGHES: Thank you, Mr. Grossman.

3 BY MR. HUGHES:

4 Q Ms. Morrison, I'm going to give Mr. Barge a copy,
5 I'm going to ask you if you're able to identify this
6 document, please?

7 MR. GROSSMAN: Okay. Is this in the record
8 already?

9 MR. HUGHES: I don't believe this is in the
10 record.

11 MR. GROSSMAN: Okay. So this will be Exhibit 41.
12 (Exhibit No. 41 was
13 marked for identification.)

14 BY MR. HUGHES:

15 Q Do you recognize this document?

16 A Yes. This is map of a street face that shows the
17 site that's under consideration today. And the center has
18 a red flag and it's called WAN-251 Ammerman, Dickerson
19 property. And there's red arrows pointing to T-Mobile's
20 surrounding closest sites.

21 MR. GROSSMAN: All right. So it's a map showing
22 T-Mobile sites in the area, and the surrounding area.

23 THE WITNESS: Right. The closest sites and the
24 distance from the site under consideration today is
25 identified next to each arrow.

1 MR. GROSSMAN: Okay.

2 THE WITNESS: You'll see a green flag, and those
3 are the existing sites.

4 MR. GROSSMAN: Okay. And the red flag represents
5 the proposed site?

6 THE WITNESS: Right.

7 MR. GROSSMAN: Okay.

8 THE WITNESS: All the green flags are on air
9 sites. They are functioning.

10 MR. GROSSMAN: Okay.

11 MR. HUGHES: Thank you.

12 MR. BARGE: Can I raise another question?

13 MR. GROSSMAN: Let her testify and then when
14 she's finished testifying --

15 MR. BARGE: I thought she was finished.

16 THE WITNESS: Can you hear me?

17 MR. BARGE: Yes, I can hear you.

18 THE WITNESS: Good.

19 BY MR. HUGHES:

20 Q Okay. Ms. Morrison, are you familiar with the
21 Montgomery County Tower Committee?

22 A Yes, I am.

23 Q Does it review -- what type of telecom
24 applications does it review?

25 A It reviews every telecom application, whether

1 it's for a co-location or a raw land site.

2 Q And did they, in fact, review this application?

3 A They did. They review each application to
4 determine whether there is a need for a new antenna
5 location, and in the case of a raw land site, they consider
6 whether there is any potential tall structures on which the
7 antennas can be mounted instead of building a new
8 structure.

9 Q Okay. And what did they recommend in this
10 application review?

11 A In this review they recommended that yes, there
12 is a need for new antennas for T-Mobile, and also that
13 there is no existing structure on which to mount the
14 antennas.

15 Q Ms. Morrison, you have previously signed an
16 affidavit regarding the sign posting for this property, is
17 that correct?

18 A That's correct.

19 Q Okay. And is it your knowledge that the sign
20 continues and has remained in place since we were here a
21 few months ago?

22 A Yes, it's remained in place, and we intend to
23 keep it in place per the County regulations.

24 MR. GROSSMAN: And the affidavit you're referring
25 to is Exhibit 19 in the record.

1 BY MR. HUGHES:

2 Q Yes. Ms. Morrison, are you familiar with the
3 staff report from Park and Planning?

4 A Yes, I am.

5 Q And are you familiar also -- so you're familiar
6 with their --

7 A Well, there are two staff reports.

8 Q The most recent staff report?

9 A Right. I'm familiar with both.

10 Q Okay.

11 MR. GROSSMAN: Okay.

12 BY MR. HUGHES:

13 Q Regarding the most recent staff report --

14 MR. GROSSMAN: Let's just identify it by record
15 since we've got -- by exhibit number, since we've got this.
16 Exhibit 33 received September 14, 2011.

17 BY MR. HUGHES:

18 Q You're familiar with that staff report,
19 Ms. Morrison?

20 A Yes, I am.

21 Q Okay. And regarding the recommended condition
22 regarding landscaping, do you have any views regarding
23 that? Does T-Mobile?

24 A Yes. We were surprised by the recommendation,
25 because they hadn't brought up, it hadn't been brought up

1 in any of our three previous meetings with staff. And we
2 don't really see the need, given the existing vegetation
3 and the fact that the parcel is buffered by the Ammerman
4 property, and also by existing vegetation. But we do not
5 object to putting six to eight Leyland cypress trees next
6 to the property line abutting the area where the tower will
7 be built. And they could be --

8 MR. GROSSMAN: All right. Just so Mr. Barge
9 understands what you're referring to, on the first page of
10 this technical staff report that you have a copy of, the
11 one that was received on September 14 in our office, the
12 fourth recommendation of the technical staff is that the
13 applicant shall plant additional trees between the Ammerman
14 residential property and the Yates property to provide
15 screening from Wasche Road and the neighboring residences.
16 So that's what you're referring to.

17 THE WITNESS: I'm referring to that. It is
18 Mr. Ammerman's property. I believe it's a different
19 parcel.

20 MR. GROSSMAN: All right. Well, it also says, it
21 also says between that and Mr. Yates' property. Where is
22 Mr. Yate's property on this map, Mr. Hughes?

23 MR. HUGHES: Here is the subject property.

24 MR. GROSSMAN: Right.

25 MR. HUGHES: And then this is also Ammerman's

1 separate property, just to the south.

2 MR. GROSSMAN: All right.

3 MR. HUGHES: And so then the Yates' property
4 would be just south of this. So they're talking about, and
5 they show it, I think, in the staff report, putting it down
6 around here.

7 MR. GROSSMAN: All right.

8 MR. HUGHES: Which is what we will do.

9 THE WITNESS: Right.

10 MR. GROSSMAN: By down here, you're referring to
11 southeast of the tower location, and southeast of
12 Mr. Ammerman's property, which is south of the subject
13 site.

14 THE WITNESS: Do you want me to say the parcel
15 number?

16 MR. HUGHES: Yes. Can I have your indulgence to
17 show her the staff report --

18 MR. GROSSMAN: Sure.

19 MR. HUGHES: -- and also perhaps this aerial to
20 help with some more clarity here.

21 MR. GROSSMAN: All right.

22 (Discussion off the record.)

23 MR. GROSSMAN: I see it on page 18 of the
24 technical staff report.

25 MR. HUGHES: Yes, sir. Yes, sir.

1 MR. GROSSMAN: It's the photograph you're
2 referring to?

3 MR. HUGHES: Yes, sir.

4 MR. GROSSMAN: Okay.

5 BY MR. HUGHES:

6 Q Do you see that, Ms. Morrison, on the staff
7 report, page 18?

8 A Yes.

9 Q So is it true that's the area you're talking
10 about?

11 A That's the area, and T-Mobile conferred with
12 Mr. Ammerman who has no objection.

13 MR. GROSSMAN: Okay.

14 THE WITNESS: And T-Mobile has no objection.

15 MR. GROSSMAN: So you would propose to plant some
16 Leyland cypress, is it eight of them? Is that what they
17 have asked you?

18 THE WITNESS: Right. Six foot --

19 MR. GROSSMAN: In location is marked with the
20 yellow X's on the aerial photograph on page 18, entitled
21 screening, page 18 of the technical staff report?

22 THE WITNESS: Correct.

23 MR. GROSSMAN: On Exhibit 33. Okay.

24 BY MR. HUGHES:

25 Q And give a proposed approximate starting height,

1 please?

2 A At least five feet tall.

3 MR. GROSSMAN: Do you have a plan that shows that
4 planting?

5 THE WITNESS: We don't have that plan today.

6 MR. HUGHES: Unfortunately, because we just got
7 this Wednesday afternoon.

8 MR. GROSSMAN: Right. Right.

9 THE WITNESS: And we had to confer with
10 Mr. Ammerman.

11 MR. HUGHES: As Ms. Morrison testified, too, that
12 was kind of new news to us. We hadn't heard that before
13 from staff until the writing came out.

14 MR. GROSSMAN: Okay. Now, this is actually,
15 technically off -- it is on property owned by Mr. Ammerman?

16 THE WITNESS: Correct.

17 MR. HUGHES: It's off the subject site.

18 MR. GROSSMAN: But it's off the subject site, the
19 particular plat that is the subject site here. And is
20 Mr. Ammerman in agreement with having these additional
21 trees planted on his other property?

22 MR. HUGHES: Yes, sir.

23 MR. GROSSMAN: Okay. The Board of Appeals raises
24 a legal issue as to whether there can be a condition for
25 offsite screening. And there is some question about

1 whether or not it can be required. That will be up to the
2 Board of Appeals. If it's a voluntary act, then I suspect
3 they wouldn't object. But in any event, that is up to them
4 to decide whether or not they will include that as a
5 condition.

6 But I would ask to keep the record open and you
7 can tell me at the end of the hearing how much time you
8 want to submit a plan which shows the location of the
9 additional plantings.

10 MR. HUGHES: Yes, sir.

11 MR. GROSSMAN: Okay.

12 BY MR. HUGHES:

13 Q Ms. Morrison, I'm going to ask you if you can
14 identify another document. Actually, can you stand up
15 there?

16 A Sure.

17 Q Because I'm going to give a copy to Mr. Barge.
18 It had been offered to him before. He looked at it and
19 passed it back.

20 MR. GROSSMAN: Okay.

21 MR. HUGHES: Mr. Barge, here is the one you saw
22 before, the photos. We're going to talk about these. So
23 you can look at this copy, if you'd like. You can keep it
24 if you'd like, or give it back to me.

25 MR. BARGE: We will keep it if we like.

1 MR. HUGHES: Mr. Grossman, these are, and you do
2 have a copy of this. This is the revised photo simulation.

3 MR. GROSSMAN: Okay.

4 MR. HUGHES: But I certainly want to give you a
5 copy of this today.

6 MR. GROSSMAN: Thank you.

7 MR. HUGHES: So this will be part of Exhibit
8 24(a) through (I), new photo simulation for revised
9 location on the subject property.

10 MR. GROSSMAN: Actually I think it's (a) through
11 (1).

12 MR. HUGHES: Is that what it is? Okay. L. Yes,
13 you're right. My mistake.

14 BY MR. HUGHES:

15 Q Ms. Morrison, are you able to identify these
16 documents?

17 A Yes. In the center is a map, an aerial map. And
18 there's a black square to the Wasche Road, running
19 north/south, and to the west of the black square is the
20 site, the Ammerman property. And around it you see blue
21 and red dots. The blue dots are places -- or let me go
22 back -- at the site, we put them to the height of the
23 proposed concealment pole, which is 155 feet. It was a
24 three foot wide red balloon.

25 We've actually done this test a couple of times.

1 We did it back when there weren't leaves on the trees, and
2 since we've moved the site, we did it again in the summer.
3 So this is the summer view. This is the site as proposed,
4 with the reading on Sunday.

5 So we did the balloon test, and we go around the
6 area and we took pictures to show the visibility of the
7 balloon. Wherever the site was visible, that would be the
8 red dots. We did what's called a photo simulation, and
9 using the computer and computer software, we simulated what
10 the pole would look like at that location.

11 So we took the red balloons and we took a picture
12 of the concealment pole, so we could do the best that we're
13 able to see what the pole might look like. What we found
14 in this case was, there was really very minimal visibility.

15 As you can see on the location map, there is one, two,
16 three, four, five, six, seven, eight blue dots. The site
17 was not visible north on Wasche Road, south on Wasche Road,
18 mostly south on Wasche Road, west on White's Ferry Road,
19 and east on Hunter's Road.

20 It was visible to the south of the vicinity of
21 the pole. So that would have been from 19100 Wasche Road,
22 and 18815 Wasche Road. Is that the correct pronunciation,
23 Wasche?

24 MR. BARGE: They call it Wasche, Wasche. Either
25 one is permissible.

1 MR. GROSSMAN: All right.

2 MR. BARGE: They call it both names.

3 MR. GROSSMAN: Thanks.

4 BY MR. HUGHES:

5 Q Ms. Morrison, is the 19100 Wasche Road, is that
6 also from the other Ammerman property, is that correct?

7 A That's from the other end of the property. So
8 that's closest to the site.

9 Q And are there above ground telephone poles in
10 this area?

11 A Certainly. You can see them in the pictures.

12 Q In some of the pictures. And how many lines,
13 approximately, on those telephone poles, if you know?

14 A There's like eight lines. Telephone poles carry
15 all kinds of cable and all kinds of stuff today.

16 Q Okay.

17 MR. GROSSMAN: How tall are the telephone poles?

18 THE WITNESS: These are old telephone poles.
19 It's probably why there are so many of them. They're
20 probably 35 to 40 feet tall.

21 MR. GROSSMAN: All right.

22 THE WITNESS: But to carry all that stuff, there
23 has to be more of them.

24 BY MR. HUGHES:

25 Q Ms. Morrison, I'm going to ask you if you can

1 identify another document.

2 MR. GROSSMAN: Before you leave that, just let me
3 ask you a question. I notice that you don't have any views
4 from, to the west of the site, other than that White's
5 Ferry one to the south and west. You don't have any that
6 are due west, nor do you have any views due east of the
7 site. Is there a particular reason for that?

8 THE WITNESS: Yes. These are large parcels. We
9 take our pictures from public roads. We don't go back onto
10 private properties.

11 MR. GROSSMAN: Okay.

12 THE WITNESS: So these are very large parcels.

13 MR. GROSSMAN: All right.

14 BY MR. HUGHES:

15 Q And I apologize. I've got another question or
16 so. Is there a photograph on here that is close to or at
17 Mr. Barge's property, on your map? Are there any
18 identified on your map, on your map in the middle here? Do
19 you recall where Mr. Barge's property is?

20 A Mr. Barge. Sure. I'd say the closest is the
21 White's Ferry Road. I believe Mr. Barge lives kind of on
22 the west side of White's Ferry Road.

23 Q Okay. And how far away is that shown on your
24 map?

25 A .82 miles.

1 Q Okay. And is it visible from there?

2 A We could not see it.

3 Q Thank you.

4 MR. GROSSMAN: Let me ask you this on that
5 location map. You don't have a north/south indicator that
6 I can see. I presume that it is north straight up on this
7 map?

8 BY MR. HUGHES:

9 Q We can utilize it, leave it up, but you can
10 certainly use the site plan to help, Ms. Morrison, to help
11 with this question. Ms. Morrison?

12 A Yes.

13 Q Do you want to use the site plan to help you with
14 the direction?

15 A Yes. Wasche runs in the north from White's
16 Ferry, kind of northeast. It's not due north. It kind of
17 runs to the northeast.

18 MR. GROSSMAN: So on this map, north is directly
19 up?

20 THE WITNESS: Yeah, it's up, directly up.

21 MR. GROSSMAN: Okay.

22 BY MR. HUGHES:

23 Q Thank you. I'll give a copy to Mr. Barge of
24 another document there, sir. I'm sorry. I do have some
25 more paper coming.

1 MR. BARGE: By the pound, Jon.

2 (Discussion off the record.)

3 BY MR. HUGHES:

4 Q Are you able to identify this document,
5 Ms. Morrison?

6 A Yes. This is called FAA notice criteria.

7 Q And what does it show or tell?

8 A It's used to show whether FAA would require this
9 tower to be lit and whether there is any possible
10 interference with the airports.

11 Q And as proposed, is this pole going to be
12 required to be lit?

13 A It will not be required to be lit.

14 MR. GROSSMAN: Okay. So this is Exhibit 42. The
15 FAA criteria indicating -- it says, actually, it doesn't
16 require registration. Does it say anywhere on here it does
17 require lighting, by the way?

18 (Exhibit No. 42 was
19 marked for identification.)

20 THE WITNESS: I'm sorry. I don't see that it
21 does.

22 BY MR. HUGHES:

23 Q Did you confer with colleagues who helped to
24 evaluate this for you?

25 A I did.

1 Q Okay. If you know, did they say whether they
2 know whether it meets --

3 MR. GROSSMAN: Well that's, that's clearly going
4 to be a hearsay answer.

5 MR. HUGHES: Okay.

6 THE WITNESS: Well, it does say on the first
7 page, you must follow the FAA if your structure will exceed
8 200 feet above ground level. If your structure exceeds 200
9 feet above ground level, I know from my experience, that it
10 does require lighting.

11 MR. GROSSMAN: And if it does not, from your
12 experience, if it does not --

13 THE WITNESS: It does not require lighting.

14 MR. GROSSMAN: Okay.

15 THE WITNESS: Unless it was close to the airport.
16 And this is not close to an airport.

17 MR. GROSSMAN: Okay.

18 BY MR. HUGHES:

19 Q Will T-Mobile, will T-Mobile --

20 MR. GROSSMAN: Well, you spoke over her answer.

21 THE WITNESS: You can infer from the document
22 that it will not require lighting.

23 MR. GROSSMAN: I don't know if I can infer that,
24 but I can gather it from your statement.

25 BY MR. HUGHES:

1 Q Ms. Morrison, based upon your experience, will
2 this proposal be consistent with the general plan for the
3 development of this district, including any master plans?

4 A No. Can I sit down?

5 Q You surely can.

6 MR. GROSSMAN: By the way, I take it, so the
7 tower will not have a light on it, is that correct, if it's
8 true, Ms. Morrison?

9 THE WITNESS: Right. The tower will not have a
10 light on it.

11 MR. GROSSMAN: Okay.

12 THE WITNESS: The tower itself will not have a
13 light on it.

14 MR. GROSSMAN: Will there be any lighting on the
15 site?

16 THE WITNESS: There will be a small lamp for the,
17 close to the shelter, so that if a maintenance worker came
18 there at night, an emergency of the equipment, he could
19 turn on a small lamp. That's just within the compound, and
20 the compound is fenced.

21 MR. GROSSMAN: All right.

22 THE WITNESS: So there is no light that would
23 ever go beyond the compound itself.

24 MR. GROSSMAN: And that light is not illuminated
25 unless there is some nighttime repair that has to be made?

1 THE WITNESS: Right. It's just an OSHA standard
2 for the worker.

3 MR. GROSSMAN: All right.

4 THE WITNESS: Yes, I do, the question was, does
5 it meet the requirements for the master plan?

6 BY MR. HUGHES:

7 Q Yes.

8 A Yes. The concealment pole will be located in an
9 RDT zone which permits them, by special exception. So in
10 that sense, it is in conformance with the master plan
11 because as you mentioned at the beginning of the hearing,
12 in a zone where a use is permitted by special exception,
13 there is a presumption that it's permissible if it meets
14 all the standards. It's kind of circular.

15 MR. GROSSMAN: Well, I didn't mention presumption
16 that it's permissible. I just said that there is a
17 requirement that the, it is not a, it is not a variance.
18 The statute has conditions, both general and specific. And
19 it's the applicant's obligation to show that it meets those
20 criteria. If it does, then they can be granted a special
21 exception. But I didn't use the word presumption.

22 THE WITNESS: Well, the Zoning Ordinance helps to
23 implement the master plan. The Zoning Ordinance permits
24 the telecom pole in an RDT zone. And this is an RDT zone.
25 Beyond that, I believe it meets the spirit and intent both

1 of the general regulations and the special regulations,
2 because the parcel itself is surrounded by heavy vegetation
3 on several sides.

4 The pole is sited with substantial setbacks from
5 Wasche Road. We're designing the structure as a
6 concealment pole, with all the equipment on the inside,
7 rather than on the outside of the pole. And because, based
8 on the balloon test, it does have limited visibility except
9 right in the immediate vicinity to the south on Wasche
10 Road. There is a view from there.

11 I don't think you could find a better location
12 for this pole. I think it more than meets the standards,
13 in my professional opinion as a planner.

14 MR. GROSSMAN: All right.

15 BY MR. HUGHES:

16 Q Are you, in your professional opinion, will it be
17 in harmony with the general character of the neighborhood
18 considering population, density, design scale, bulk of new
19 structures, character of activity, traffic, and parking
20 regs?

21 A Yes. I think I've mentioned that it's a
22 concealment pole, so it's in harmony with the surrounding
23 area. Also, it's an unmanned facility. It's passive
24 views. It does not generate traffic or parking. Visits to
25 the site are once every two months, just to check to make

1 sure that everything is in order, or possibly if there is a
2 malfunction. No impact on public water or sewer. It
3 doesn't create demand for more classrooms. It's a passive
4 use.

5 Q In your opinion, will it be detrimental to the
6 use, peaceful enjoyment, economic value, or development of
7 the surrounding properties?

8 A No, I don't think so to the extent that the view
9 is very marginal, very minimal. And I believe you can say
10 that it can enhance property values by bringing better
11 wireless communication, both for voice use and data use.
12 It's difficult to bring hard line out to rural areas like
13 this. So it gives another option for people who live here.

14 Q Will it cause any objectionable fumes,
15 vibrations, noise, odors, dust, illumination?

16 A No. There is no generator there at the site.
17 There is virtually no noise, no smell, no odor, no
18 interference with other electronic equipment.

19 Q Thank you. In your opinion will it adversely
20 affect the health, safety, security and rules or general
21 welfare of the residents, visitors, or workers in the area?

22 A No, it will not because of all the reasons I've
23 mentioned before. No traffic.

24 Q Thank you. Your opinion, will it be served by
25 adequate public services and facilities?

1 A Yes, it really has almost nothing to do with
2 public facilities that you evaluate for adequacy, sewer,
3 water, education, roads.

4 Q Okay. I'm going to ask you if you can identify
5 another set of documents. Give Mr. Barge a copy.

6 MR. BARGE: By the pound.

7 BY MR. HUGHES:

8 Q Are you able to identify these documents,
9 Ms. Morrison?

10 A Yes. This is an affidavit signed by William
11 O'Brien who is real estate manager for T-Mobile. And it
12 testifies to a commitment by T-Mobile to utilize equipment
13 similar to or better than the criteria identified in the
14 attachment. This has to do with batteries used at the
15 site. And that T-Mobile will register the batteries with
16 the County's high use facility registration program, which
17 is required by Montgomery County law.

18 MR. GROSSMAN: All right. So we have Exhibit 43
19 is the affidavit of William O'Brien saying that T-Mobile
20 will follow County regs. And then attached to it is a fax
21 sheet from Erickson Radio base station cabinets, or
22 regarding that. That will be Exhibit 43(a). Fact sheet re
23 Erickson Radio base station cabinets. And then 43(b) is a
24 multi-page, looks like six pages, is a Northstar Battery
25 material safety data sheet. Okay.

1 (Exhibit No. 43 was
2 marked for identification.)

3 MR. HUGHES: Thank you, Mr. Grossman.

4 MR. GROSSMAN: Sure.

5 BY MR. HUGHES:

6 Q Ms. Morrison, in your opinion, is this support
7 structure sited to minimize its visual impact?

8 A Yes, it is. It more than meets all the required
9 setbacks. We worked very hard to find a place on the
10 property that satisfied all the environmental criteria, met
11 the zoning setbacks, and still do a good job of hiding the
12 pole.

13 Q And I believe there was testimony earlier from
14 Mr. McGarity about the closest offsite dwelling being close
15 to 700 feet away, and that was owned by the Ammermans.

16 A Correct.

17 Q Is that correct?

18 A Right. The parcel to the north is entirely
19 forested.

20 Q Okay. Is the property owner a co-applicant to
21 this submission?

22 A Yes, he is.

23 MR. BARGE: Can you speak louder, please.

24 THE WITNESS: Yes.

25 MR. HUGHES: I'm sorry, Mr. Barge. Yes, sir.

1 BY MR. HUGHES:

2 Q And there may have been testimony about this, but
3 is it true that this, on the plan, this pole and compound
4 are designed for at least three carriers, including
5 T-Mobile?

6 A Yes, it is.

7 Q Is it designed, in fact, for more than three?

8 A Let me look at the plan. Yes. The pole will be
9 designed with three portals. Let me clarify. It's
10 designed with three portals. The top one is for T-Mobile.
11 The second one is reserved for T-Mobile. And then there
12 is room for a future carrier below it so.

13 MR. GROSSMAN: One future carrier or two?

14 THE WITNESS: I'm sorry. There's two arrows, two
15 future carriers, yes.

16 MR. GROSSMAN: And what does the statute require?

17 MR. HUGHES: I believe it is at least two others.

18 THE WITNESS: At least two others.

19 MR. HUGHES: I may need to recall Mr. McGarity,
20 if you would allow me to, just to talk about the structural
21 integrity.

22 MR. GROSSMAN: I certainly will.

23 MR. BARGE: Are you finished? No.

24 MR. HUGHES: Can I do that when I finish with
25 Ms. Morrison?

1 MR. GROSSMAN: Sure.

2 MR. HUGHES: Thank you, Mr. Grossman.

3 MR. BARGE: Are you finished?

4 MR. HUGHES: Not quite yet, Mr. Barge. Almost.

5 Thank you.

6 BY MR. HUGHES:

7 Q Ms. Morrison, are you aware of the code section
8 that says that there should be no signs or illuminations
9 permitted on the antenna or support structure unless
10 required by the FCC, FAA, or the County?

11 A Yes.

12 Q And regarding lighting, in particular, but also
13 signs, has T-Mobile agreed to comply with that?

14 A Yes, the only sign would be the required
15 identification sign.

16 Q And you have no plans to put a light on the
17 tower, just a light, perhaps, on the ground, as you
18 mentioned?

19 A Right, a lamp on the ground. Yes.

20 Q Okay. And would T-Mobile agree to remove the
21 structure if it's no longer in use for more than 12 months?

22 A Yes.

23 MR. BARGE: Can he say that again?

24 MR. GROSSMAN: Can you repeat that, please?

25 BY MR. HUGHES:

1 Q Does T-Mobile agree to remove the structure if
2 it's not used for more than 12 months straight?

3 A Yes. It would be removed if it was no longer
4 used.

5 Q Okay. And does T-Mobile agree that the support
6 structure will be identified by a sign no larger than two
7 square feet?

8 A Yes, it will be no more than two square feet in
9 conformance with FCC law and with Montgomery County law.

10 Q Okay. And does T-Mobile agree not to do any
11 outdoor storage inside the compound other than equipment
12 utilized for the facility?

13 A Correct. There would be no outside storage.
14 Just the equipment that would be installed.

15 Q Okay. Does T-Mobile agree and understand that it
16 is responsible for maintaining the facility, telecom
17 facility in a safe condition?

18 A Yes.

19 Q And there was some earlier discussion about the
20 Tower Committee, from your testimony. Is it your
21 understanding that, or I should say, the code requires that
22 it be reviewed within 90 days of submission of the
23 application. Has that occurred in this case?

24 A Yes, it was reviewed within 90 days of the
25 original submission. And it was reviewed again in July of

1 2011, which is within 90 days of today.

2 MR. GROSSMAN: Ms. Morrison, where in the
3 compound is the location for additional carriers equipment,
4 i.e., you've already testified that there is room for two
5 additional carriers reserved on the pole itself. But where
6 is it reserved?

7 THE WITNESS: Well, the reason we made the
8 compound 50 by 50 is to provide the space for future
9 carriers.

10 MR. GROSSMAN: All right.

11 THE WITNESS: In this case, we didn't put the
12 rectangles in, but you have that whole area. This is the
13 typical compound that you design when you want to
14 accommodate future carriers.

15 MR. GROSSMAN: All right.

16 THE WITNESS: So it's all within that fenced
17 area.

18 MR. GROSSMAN: So to the south of the pole --

19 THE WITNESS: Right.

20 MR. GROSSMAN: -- in effect, is room for two
21 additional carriers should they co-located?

22 THE WITNESS: Correct.

23 MR. GROSSMAN: Okay.

24 THE WITNESS: The pole is sited in the middle of
25 the compound to make it easy to put the equipment cabinets

1 from future carriers.

2 MR. GROSSMAN: All right. I just wanted to make
3 sure.

4 BY MR. HUGHES:

5 Q Ms. Morrison, if this was approved, can you
6 testify that the 155-foot pole would be designed to hold at
7 least two other carriers on the pole as well as on the
8 ground?

9 MR. GROSSMAN: Yes, she's testified to that.

10 THE WITNESS: Yes. Yes.

11 BY MR. HUGHES:

12 Q Okay.

13 A If I can add one more thing to the testimony in
14 terms of harmony and mitigation of the appearance, just to
15 point out that it is an eight-foot high board-on-board
16 fence that loops around the equipment, plus the landscaping
17 around the compound, and then whatever additional
18 landscaping we provide.

19 MR. GROSSMAN: All right. And right now the
20 landscaping around the compound consists of what?

21 THE WITNESS: Six to eight-foot high leyland
22 cypress and white pines.

23 MR. GROSSMAN: Where does it say that?

24 THE WITNESS: You'll see that on -- if you
25 look --

1 BY MR. HUGHES:

2 Q What page?

3 A On the elevation page.

4 Q The second page.

5 A Second page.

6 MR. GROSSMAN: Okay.

7 THE WITNESS: And you look in the middle, kind
8 of, it will say, existing gravel area. And then look just
9 to the left of that arrow. It points to a bush, proposed
10 six to eight-foot high evergreen landscape planting,
11 typical.

12 MR. GROSSMAN: Okay. Thank you.

13 MR. HUGHES: Those would be my questions for
14 Ms. Morrison.

15 MR. GROSSMAN: All right. Mr. Barge, do you have
16 any questions you wish to ask Ms. Morrison?

17 MR. BARGE: Yes, please.

18 MR. GROSSMAN: You may proceed.

19 CROSS-EXAMINATION

20 BY MR. BARGE:

21 Q You mentioned you're going to plant some leyland
22 cypress to shield the tower, the monopole?

23 A To shield the equipment.

24 Q To shield the equipment. And you mentioned
25 leyland cypress trees.

1 A Correct.

2 Q How high are those trees you're going to plant?

3 A Well, they're going to start at six to eight

4 feet. They're fast growers.

5 Q Six to eight feet.

6 A Right.

7 Q And how tall is the monopole?

8 A They're designed to screen the equipment.

9 Q No, how tall is the --

10 A The monopole is 155 feet.

11 Q 155 feet. The trees will be planted at X, at

12 eight feet?

13 A Correct.

14 Q And they grow fast?

15 A Correct.

16 Q I want to ask you a question. Have you ever seen

17 a 155-foot cedar tree, leyland cypress?

18 A No.

19 Q Neither have I.

20 MR. GROSSMAN: They don't claim that they're

21 going to be able to screen the entire pole. They're going

22 to screen the equipment compound.

23 BY MR. BARGE:

24 Q Now, tell me, with all these trees around it,

25 these trees will shed leaves in the fall. Will anybody be

1 able to see the monopole after the leaves have dropped to
2 the ground?

3 A Based on the previous balloon test that we
4 conducted here in the winter --

5 Q I mean, that was a yes or no question.

6 A I'd say visibility is still going to be very
7 limited because of the density of the trees.

8 Q The density of the trees without the leaves?

9 A Because -- even without leaves, there are so many
10 trees.

11 Q You won't be able to see the monopole?

12 A The visibility may be a little more, but it's
13 still very much mitigated, just by the number of trees.

14 Q When they go around to acquire this property for
15 the monopole, do they do it when the trees are out in full
16 leaf, or do they do it in the wintertime?

17 A For this particular monopole we started in
18 winter.

19 Q Huh?

20 A For this particular case, we started in winter of
21 2009.

22 Q No, but I mean, when you get approval, is it done
23 when the leaves are out, or when the leaves are gone?

24 A It depends.

25 Q Do you think that a monopole enhances the value

1 of the surrounding property?

2 A My belief is --

3 Q That was a yes or no question.

4 A Yes, because it makes, it improves wireless
5 service.

6 Q A monopole enhances, the mere physical thing of
7 it, enhances the value of the adjoining property?

8 MR. GROSSMAN: Well she didn't say the mere
9 physical thing. She said that providing wireless service
10 enhances the property.

11 BY MR. BARGE:

12 Q Well, my other question is, if everybody has a
13 cell phone, and they have no problem using it in the area,
14 why have a cellular tower? Is it so they can say to AT&T,
15 we've got all these sites for you, so when you buy us for
16 \$39 billion in April, we've got all these towers we're
17 going to give you. And that's what it amounts to, doesn't
18 it?

19 A We have someone else here who can speak to the
20 need.

21 Q Yes, I think this is more a question for
22 Mr. Hughes.

23 MR. GROSSMAN: Well, Mr. Hughes is the attorney.
24 He doesn't answer questions in that fashion. But he does
25 have a witness here who can answer property value

1 questions. But you have a right to ask, actually,
2 Ms. Morrison did testify in her direct testimony that she
3 felt that it would enhance the value of the surrounding
4 property. So that door is open and you can ask her a
5 question about it if you want.

6 BY MR. BARGE:

7 Q Does this cellular tower enhance the value of the
8 surrounding properties? Yes or no?

9 A As I said, yes, to the extent --

10 Q It does. I thought so. So if they build one on
11 my property, my property would be worth more?

12 A I can't say yes or no specifically, because so
13 many things depend on property values. We have someone
14 else here who can speak more to the point.

15 Q What county do you live in?

16 A I live in Baltimore City.

17 Q Baltimore City? Get the rope. Baltimore City.
18 Do you have a cellular tower on the back of your property?

19 A No, I do not.

20 MR. BARGE: Okay. That's all the questions I
21 have.

22 MR. GROSSMAN: All right. Any redirect?

23 MR. HUGHES: No, sir.

24 MR. GROSSMAN: All right. Thank you,

25 Ms. Morrison. All right. Let's take a five minute break

1 here and come back at 25 to 12:00 and continue.

2 (Discussion off the record.)

3 (Whereupon, at 11:27 a.m., a brief recess was
4 taken.)

5 MR. HUGHES: Could I quickly recall Mr. McGarity?

6 MR. GROSSMAN: Certainly.

7 MR. HUGHES: I will re-call Mr. Michael McGarity.

8 MR. GROSSMAN: All right, Mr. McGarity. You're
9 still under oath.

10 THE WITNESS: Yes.

11 FURTHER DIRECT EXAMINATION

12 BY MR. HUGHES:

13 Q Mr. McGarity, regarding your drawing, your plan,
14 Exhibits --

15 MR. GROSSMAN: 38(a) and (b).

16 BY MR. HUGHES:

17 Q -- 38(a) and (b), the 50 by 50 ground compound,
18 based on your experience, how many additional carriers
19 could potentially get their equipment inside of that?

20 A Quite a few depending on the size of their
21 equipment, but undoubtedly, easily two additional carriers
22 could be located inside a 50 by 50 compound, in addition to
23 the T-Mobile installation.

24 MR. GROSSMAN: All right.

25 BY MR. HUGHES:

1 Q Thank you. And is 50 by 50 fairly standard for a
2 ground compound?

3 A That is the standard, in my experience, that's
4 the standard usual size.

5 Q That allows for co-locators equipment?

6 A That's correct.

7 Q Regarding the 155-foot pole, from a civil
8 standpoint, is it, is there any doubt in your mind that it
9 could house at least two other carriers?

10 MR. GROSSMAN: When you civil, do you mean civil
11 engineering standpoint?

12 MR. HUGHES: Yes, sir.

13 MR. GROSSMAN: Okay.

14 THE WITNESS: Well, T-Mobile orders the structure
15 from a tower manufacturer who actually does the design of
16 the tower itself, and the foundation. And they provide,
17 they provide signed and sealed engineer drawings for the
18 tower itself that certify that it is adequate to accept the
19 loading that's proposed for it.

20 So T-Mobile can order, T-Mobile can order the
21 tower with any of the specifications they require, where
22 they need to be able to accommodate three carriers, four
23 carriers, five carriers, however many slots are required
24 for the pole. The tower manufacturer will design the pole
25 to meet that requirement.

1 MR. GROSSMAN: Well, I'm only interested in what
2 is proposed for this tower.

3 BY MR. HUGHES:

4 Q And did you hear Ms. Morrison's testimony that
5 this pole would house at least two other carriers. Do you
6 have any doubt from a civil engineering standpoint that
7 that could be done?

8 A I have no doubt that that can be done.

9 MR. GROSSMAN: Well, I guess it's not a question
10 of doubt. The question is, will you be providing, will
11 T-Mobile be providing a tower structure here that can
12 accommodate two additional telecommunications providers in
13 addition to T-Mobile?

14 THE WITNESS: I apologize. I think that
15 Ms. Morrison just, I thought you said you heard her say
16 that. I was just bringing in backup, just here's the
17 company commitment, and here is the civil engineering side
18 of it.

19 MR. GROSSMAN: Okay.

20 THE WITNESS: It's my understanding that that's
21 what T-Mobile proposes to do here.

22 MR. GROSSMAN: Okay. Okay. Fine.

23 MR. HUGHES: Thank you, Mr. Grossman.

24 MR. GROSSMAN: Mr. Barge, any questions of this
25 witness, based on what was just asked now?

1 MR. BARGE: One question. I don't know if
2 Mr. McGarity or Mr. Hughes or the lady.

3 MR. GROSSMAN: Ms. Morrison.

4 MR. BARGE: I have a paper here. I don't know
5 where all the paper came from. It says, the
6 telecommunications facility must be removed at the cost of
7 the owner of the telecommunication facility when the
8 facility is no longer needed.

9 MR. GROSSMAN: That's correct.

10 MR. BARGE: No, the reason I ask that question, a
11 person who knows, I spoke to an expert, so-called expert
12 that knows about all this cell phone business. And he
13 said, if people in the area have a cell phone, and they
14 have no problem using it, then it's not needed. I said,
15 well, why are they putting one there?

16 MR. GROSSMAN: Once again, what somebody said
17 outside of this hearing room --

18 MR. BARGE: So I don't understand why, if
19 everybody can use a cell phone, a tower is needed? But
20 that's a question -- so some day these towers will be
21 antiquated. They won't be around, I'll tell you that, this
22 person, I understand they won't be around. I want to
23 ask --

24 MR. GROSSMAN: They're going to have a witness.
25 They're going to have a witness that's going to explain why

1 there is a need under their estimation. They're going to
2 have a witness. And you can examine that witness, their
3 radio frequency engineer.

4 MR. BARGE: They're going to have today?

5 MR. GROSSMAN: Yes.

6 MR. BARGE: A person that will explain why it's
7 needed?

8 MR. GROSSMAN: That's correct.

9 MR. BARGE: Well, they can -- okay.

10 MR. GROSSMAN: Okay. They always have. That's a
11 portion of the evidence that's always presented in these
12 cases, because the Board of Appeals has to --

13 MR. BARGE: But they'll come up with some phone
14 made in Russia --

15 MR. GROSSMAN: Well --

16 MR. BARGE: -- that won't pick up.

17 MR. GROSSMAN: But as far as the question you had
18 about removal, that's a requirement in the statute.
19 There's a requirement in the Zoning Ordinance that if the
20 tower is no longer needed that the company agrees that it
21 will remove it at its expense, and it's always a condition
22 that's required in -- if a special exception is granted, it
23 will be a condition of the special exception, or it
24 routinely has been a condition.

25 MR. BARGE: Now, they have invited, have you

1 invited the owner of record of the property to attend this
2 meeting?

3 MR. GROSSMAN: I think that Mr. Ammerman was --

4 MR. BARGE: Mr. Ammerman.

5 MR. GROSSMAN: -- is that correct?

6 MR. BARGE: He went out to the meter.

7 MR. HUGHES: Mr. Ammerman's representative is
8 here. Yes.

9 MR. BARGE: Is he the owner of the property of
10 record?

11 MR. HUGHES: He's a family member. He's his son.

12 MR. BARGE: No, the owner of record of the
13 property where you're going to build this horrendous thing,
14 pole, the owner of record on the tax assessment, on the tax
15 bill?

16 MR. GROSSMAN: You want to know if that gentleman
17 was here?

18 MR. BARGE: Yes.

19 MR. GROSSMAN: Was he here?

20 MR. HUGHES: No, I said his son was here.

21 MR. GROSSMAN: His son was here.

22 MR. BARGE: His son. Well, he's not the owner of
23 record. He just lives there.

24 MR. GROSSMAN: But there is evidence in the
25 record as to his ownership. And that owner of the property

1 is a co-applicant on this. He is not required to be here.

2 MR. BARGE: Oh, I see. Well, who is going to be
3 paid the money for the pole?

4 MR. GROSSMAN: Well, first of all, this is off
5 the -- right now we're in the cross-examination of this
6 witness. Do you have any other questions of this witness?

7 CROSS-EXAMINATION

8 BY MR. BARGE:

9 Q Who's going to be paid for the pole?

10 MR. GROSSMAN: That's beyond his direct
11 examination.

12 MR. BARGE: That's beyond his expertise.

13 MR. GROSSMAN: Right. That's not his thing. But
14 you can ask, if that were an issue, if that's an issue that
15 somebody testifies to, then you can ask the question.

16 BY MR. BARGE:

17 Q Now, at the same time you put up these leyland
18 cypress around the monopole --

19 A Yes.

20 Q -- will they put them up around my property --

21 A Well, first of all --

22 Q -- these leyland cypress?

23 MR. GROSSMAN: This witness has not testified
24 regarding that, the engineer. But Ms. Morrison testified
25 about the screening trees. And she can testify, she can

1 respond to your question, if you want. But do you have any
2 other questions for this witness, for Mr. McGarity?

3 MR. BARGE: No, not of --

4 MR. GROSSMAN: Okay. All right. Thank you,
5 Mr. McGarity. Did you have an additional question for
6 Ms. Morrison?

7 MR. BARGE: About the trees around the monopole?

8 MR. GROSSMAN: Yes, about the trees. Yes.

9 MR. BARGE: Will you put them around my property?
10 I mean that's a legal question. When you put them around
11 the monopole, the leyland cypress, will you put them in
12 front of my house, around, so I won't see the monopole? I
13 can see the Pepco tower now. They extended the height
14 years ago. They went twice what the -- the little one I
15 couldn't see. The new one, I can see.

16 MR. GROSSMAN: I don't know if --

17 MR. BARGE: When the trees drop the leaves, I can
18 see the new tower they built, the Pepco tower. It's not
19 owned by Pepco anymore. It's owned by Myrant.

20 MR. GROSSMAN: All right. But --

21 MR. BARGE: Pepco sold it to Myrant.

22 MR. GROSSMAN: I don't know that, first of all, I
23 don't know that putting leyland cypress on your property is
24 going to screen the tower from you. That's first of all.
25 Secondly, it's not something, your property is not adjacent

1 to the subject site. They're not going to, the Board of
2 Appeals is not going to require that additional trees be
3 planted on your property for this.

4 You can have some discussion with Mr. Hughes
5 outside of this hearing process, and if they want to plant
6 trees on your property for you, that's between you and
7 them. But it's not part of this particular application.

8 MR. BARGE: The other question I don't think
9 you're going to let me ask.

10 MR. GROSSMAN: Well, I don't know. You have to
11 ask it so I can tell.

12 MR. BARGE: Being in the condition I'm in, I have
13 to watch television a lot. I have a big screen in front of
14 my bed, big. And I was watching it the other day on
15 August the 22nd, 2011, channel 353.

16 MR. GROSSMAN: Well, this doesn't sound like it's
17 relevant to these proceedings.

18 MR. BARGE: Well, that's why I'd like to insist.
19 And the Bloomberg Show, Bloomberg business report said
20 that they sued the federal government under the freedom of
21 information act.

22 MR. GROSSMAN: No, I'm sorry, Mr. Barge. This is
23 not relevant to these proceedings.

24 MR. BARGE: I can't ask him this question?

25 MR. GROSSMAN: You can't ask Mr. Hughes.

1 Mr. Hughes is not a witness here. He's the attorney for
2 the applicants, but he's not a witness. But do you have
3 any other questions of Ms. Morrison?

4 MR. BARGE: No.

5 MR. GROSSMAN: Okay. All right. Thank you,
6 Ms. Morrison.

7 MR. HUGHES: May I call my next witness?

8 MR. GROSSMAN: You may call your next witness.

9 MR. HUGHES: I call Mr. Oakleigh Thorne, please.

10 MR. GROSSMAN: Okay.

11 MR. BARGE: Does this go someplace?

12 MR. GROSSMAN: That's a microphone. Yes, that
13 provides the court reporter --

14 MR. BARGE: What if we had a speaker up there,
15 then when you talk into this, everybody could hear you.

16 MR. GROSSMAN: That would be nice but our room is
17 not equipped for that unfortunately.

18 MR. BARGE: I'll put it in the budget.

19 MR. GROSSMAN: We can't get enough money for
20 paper, despite all the paper in front of you. I don't know
21 that they are going to revamp this room.

22 MR. BARGE: I'll provide it free at my expense.

23 MR. GROSSMAN: All right. Mr. Thorne, would you
24 raise your right hand, please?

25 (Witness sworn.)

1 MR. GROSSMAN: All right. You may proceed,
2 Mr. Hughes.

3 MR. HUGHES: Thank you. I'm going to give a
4 document to Mr. Barge.

5 MR. GROSSMAN: All right.

6 MR. BARGE: By the pound.

7 DIRECT EXAMINATION

8 BY MR. HUGHES:

9 Q And ask Mr. Thorne if he can identify this
10 document?

11 A Yes, I can. This is my resume.

12 MR. GROSSMAN: All right. Exhibit 44. And it's
13 resume of Oakleigh Thorne.

14 (Exhibit No. 4 was
15 marked for identification.)

16 BY MR. HUGHES:

17 Q Mr. Thorne, can you give us a quick overview of
18 your career background?

19 A I started in the real estate appraisal business
20 in 1965 in Poughkeepsie, New York. I've been in this
21 region since 1969, practicing as an appraiser, advisor,
22 consultant in this region, as well as across the country on
23 issues relative to real estate valuation, market studies,
24 feasibility studies, financial structuring, and ground
25 lease analysis.

1 Q Mr. Thorne, have you ever been recognized as --
2 have you ever testified before in zoning hearings like
3 this?

4 A Numerous testimony in many counties in this
5 region, and up in Baltimore and further north.

6 Q And in those jurisdictions have you ever been
7 recognized as an expert in land appraisal? Or what have
8 you been recognized as an expert in?

9 A I've been recognized as an expert in real estate
10 valuation, as well as an individual relative to feasibility
11 studies and impact analysis and fiscal impact analysis.

12 Q And have you been recognized in Montgomery County
13 by this body recently as an expert?

14 A I've been testifying in this venue since 1998.

15 Q And were you recently identified as an expert in
16 general land appraisal, I believe, or general --

17 A Well, I'm a certified general real estate
18 appraiser in the State of Maryland, the Commonwealth of
19 Virginia, and the District of Columbia, where I'm
20 permitted, with that license, to appraise all manner of
21 commercial property, as well as land.

22 MR. HUGHES: Mr. Grossman, I'd like to offer him
23 up as an expert.

24 MR. GROSSMAN: All right. Mr. Barge, do you have
25 any questions regarding this witness' expertise as a real

1 estate appraiser? I take it the expertise field is real
2 estate appraisal?

3 MR. HUGHES: Yes, sir.

4 MR. BARGE: Yes, I do.

5 MR. GROSSMAN: All right.

6 BY MR. BARGE:

7 Q Are you a member of the MIA?

8 A No, I'm a member of the Appraisal Institute that
9 has --

10 Q You're not a member of the MIA?

11 A No, I'm a member of the Appraisal Institute which
12 bestows the MAI designation on those who have achieved a
13 certain level of education and completed certain
14 comprehensive exams and appraisal reports for review at the
15 institute.

16 Q Yes.

17 MR. GROSSMAN: And do you have that MAI
18 designation?

19 THE WITNESS: Yes, I have the MAI designation.

20 BY MR. BARGE:

21 Q Okay. Now, you're an expert, you've testified as
22 to values.

23 A That's correct.

24 Q That's what an appraiser does, valuations.

25 Location, location, location of property. Do you think

1 that this monopole, 155-foot monopole increases or
2 decreases, one of the two, no in between, the value of a
3 property?

4 MR. GROSSMAN: Well, you can't stop him from --
5 if his expertise says there is an in between, then he has
6 to answer truthfully. So does it increase, decrease, or
7 anything else, regarding the value of the property?

8 THE WITNESS: It does not, to the owner, to the
9 owner. It does not decrease property values.

10 BY MR. BARGE:

11 Q It does not. So does it increase property
12 values?

13 A It has in specific situations, yes.

14 Q And what would be those specific to an individual
15 property, what would be those situations?

16 A Were the property owner wishes to have unreliable
17 cell -- reliable cellular telephone service as proximate to
18 his house as possible.

19 Q All right. Does a property owner, Ammerman, does
20 he have trouble with his cell phone?

21 A I can't answer the question.

22 MR. GROSSMAN: He hasn't -- first of all, the
23 question here is, we've really gone beyond the expertise
24 issue. Right now the questions that you're allowed to ask
25 him deal with his expertise. We're going to have him

1 testify. He's going to be asked questions about the
2 subject matter, and then you can cross-examine him on that.

3 Do you have any question about his expertise as a real
4 estate appraiser?

5 MR. BARGE: Not as his real estate.

6 MR. GROSSMAN: Okay. Then I accept Mr. Thorne as
7 an expert in real estate appraisals. All right.

8 BY MR. HUGHES:

9 Q Mr. Thorne, are you familiar with this area and
10 this subject property?

11 A Yes, I am. I've used White's Ferry, the White's
12 Ferry several times, from Leesburg to come to 28. Since I
13 do quite a bit of work in Loudoun, I'm familiar with this
14 area. I've done numerous land appraisals for conservation
15 easements and transfer of development rights for farmers
16 that have been active in this region. I've also driven by
17 this site and driven on the site. So I'm -- and took some
18 photographs of the house directly across from this proposed
19 facility.

20 Q Thank you. And in your experiences, in your
21 experience in your line of work, have you found a proposal
22 like this to have a negative impact on values of properties
23 in the area?

24 MR. GROSSMAN: Well, can we -- I'm not sure, when
25 you say a proposal like this.

1 MR. HUGHES: Okay.

2 MR. GROSSMAN: Can we hone it into this case?

3 Not a proposal like this.

4 BY MR. HUGHES:

5 Q Okay. Based upon your experience, do you expect
6 that this proposal will have any negative impact on values
7 in this area?

8 A Based on the studies that we've conducted since
9 1996, up until March of this year in 2011, we've studied
10 traditional monopoles. This is what I would call a slim
11 line device. I would conclude that there is absolutely no
12 impact on property prices or values in the region.

13 Q Okay. And can you expound upon it a little bit.
14 Why is it that you've come to this conclusion?

15 A As I said, we started studying monopoles,
16 existing monopoles that had primary locators and
17 co-locators on these traditional monopoles that ranged from
18 a low of 120 feet in height at Bullis School in Montgomery
19 County, up to 225 to 280 foot lattice towers on the Eastern
20 Shore.

21 There have been 11 studies, in other words, there
22 have been multiple studies of the same sites over the years
23 to go back and confirm or to support previous findings.

24 These were in clear view of states in Howard County, on the
25 Eastern Shore, as I said, in Baltimore County, the Hunt at

1 Fairfax Station, and then also in Montgomery County at
2 Hampshire Greens, a golf community near Burtonsville.

3 Q And were any of these studies you've referenced,
4 did any of those involve a concealment pole like proposed
5 here?

6 A No, the --

7 Q I'm sorry. Did any of these studies you've
8 referenced involve a concealment pole like is proposed
9 here?

10 MR. BARGE: Okay.

11 THE WITNESS: No, these were the traditional
12 poles where the racks were outside of the pole structure.

13 MR. HUGHES: Thank you. Those would be my
14 questions for Mr. Thorne.

15 MR. GROSSMAN: Well, would it make a difference
16 whether it's a concealment pole or the racks are outside of
17 the structure?

18 THE WITNESS: The visual impact is less with a
19 slim pole because it's arch of interference in a horizon
20 view is seriously reduced.

21 MR. GROSSMAN: So by slim pole, you're talking
22 about the kind of concealment pole that is proposed here?

23 THE WITNESS: It's just, yes. It's just a
24 telescope versus a telescope with wide ranging racks on the
25 outside. This is just like a pencil or a telescope.

1 MR. GROSSMAN: So you're suggesting that this
2 proposal, this proposed tower would have less impact than
3 the nonconcealment type?

4 THE WITNESS: That's correct.

5 MR. GROSSMAN: All right. Mr. Barge, do you have
6 cross-examination questions?

7 CROSS-EXAMINATION

8 BY MR. BARGE:

9 Q Yes, now, you start out saying you understand the
10 area because you take White's Ferry from Leesburg to
11 Maryland. You use White's Ferry. That gives you a general
12 overall picture of the area. You used the word
13 concealment. When winter comes and leaves drop off, is it
14 less concealed than with leaves?

15 A Our studies clearly suggest from probably 70 to
16 80 different pairs of homes within the view of a monopole
17 and those outside the view, that buyers and sellers are not
18 incurring discounts because they see the pole. The visual
19 relationship to the pole is not the issue. You can have
20 the visual relationship, but it has no impact on property
21 prices.

22 Q When you say visibility, you mean without the
23 trees or with the trees, leaves?

24 A The issue is that when we looked at homes, the
25 leaves or trees have nothing to do with it. They were

1 within the visual impact. They saw the entire pole with
2 all three carriers on the pole.

3 Q Then why are they going to plant leyland cypress
4 around the pole?

5 A No, please understand --

6 Q Concealment.

7 A Please understand, the low growth shrubbery is to
8 conceal the compound only. That's all. No one expects
9 these trees to be 160-feet in height.

10 Q So the trees have no -- planting them is neither
11 here nor there as a concealer?

12 A It's a concession made by the carrier to at least
13 shield the compound, the board-on-board fence from the road
14 or from somebody who might be walking on Mr. Ammerman's
15 property. That's all.

16 Q In other words, if they didn't put the trees, you
17 might get some opposition to it?

18 A I can't answer that question.

19 Q How many sites or central sites have you
20 appraised of the monopoles in Montgomery County, in
21 Dickerson, in Dickerson. Let's be specific. I know you
22 have to go back a long way, but you knowing the area like
23 you do, how many sites have you been involved in, in
24 Dickerson, Maryland?

25 A It might possibly be this is the second one, I

1 believe.

2 Q The second one?

3 A Numerous ones in Harford County.

4 Q I know you've been all over the State of
5 Maryland, but in Dickerson, this is the second one?

6 A I believe.

7 Q You believe. This could be the first one?

8 A I'd have to go back to 1996 and look at my job
9 file to find out.

10 Q Because there were no cell phones in 1996 in
11 Dickerson. Maybe you might want to know that.

12 A I'm just repeating my history, sir.

13 Q Your history?

14 A That's all.

15 Q Okay. That's all I have to ask him.

16 MR. GROSSMAN: Any redirect?

17 MR. HUGHES: No, sir.

18 MR. GROSSMAN: Thank you.

19 THE WITNESS: Thank you, sir.

20 MR. GROSSMAN: Next witness?

21 MR. HUGHES: Yes. I'd call Mr. Curtis Jews.

22 MR. GROSSMAN: Okay. Mr. Jews, would you raise
23 your right hand, please?

24 (Witness sworn.)

25 MR. GROSSMAN: All right. You may proceed,

1 Mr. Hughes.

2 MR. HUGHES: Thank you.

3 DIRECT EXAMINATION

4 BY MR. HUGHES:

5 Q Mr. Jews, I'm going to ask you if you can
6 identify a document.

7 MR. GROSSMAN: No talking on the witness stand --

8 THE WITNESS: Sorry.

9 MR. GROSSMAN: -- except your testimony.

10 THE WITNESS: Sorry.

11 MR. BARGE: You asked, can I identify it?

12 MR. HUGHES: I'm going to ask him that.

13 MR. BARGE: I thought you asked me, can I
14 identify it.

15 MR. HUGHES: No, sorry.

16 BY MR. HUGHES:

17 Q Mr. Jews, can you identify this document?

18 A Yes, this is my resume.

19 Q Can you tell us a little bit about your
20 educational and professional background?

21 MR. GROSSMAN: His resume will be Exhibit 45.

22 (Exhibit No. 45 was
23 marked for identification.)

24 MR. HUGHES: Thank you.

25 THE WITNESS: Yes. I have my certification in

1 field service in computer technology, received in 1996. I
2 am the radio frequency lead engineer for T-Mobile for the
3 entire State of Maryland, Virginia, and Washington, D.C.,
4 the city of Washington, D.C.

5 BY MR. HUGHES:

6 Q And have you ever testified before at zoning
7 hearings like this?

8 A Yes, I have.

9 Q Have you ever been recognized as an expert in
10 radio frequency engineering or cell site design?

11 A Yes, I have.

12 MR. GROSSMAN: Radio frequency engineering and
13 cell site design or radio frequency --

14 MR. HUGHES: Well, I was asking if he's been
15 identified in either or.

16 MR. GROSSMAN: Okay.

17 THE WITNESS: I have.

18 MR. HUGHES: Mr. Grossman, I'd like to offer him
19 as an expert in radio frequency engineering.

20 MR. GROSSMAN: All right. And you've testified
21 before me and other hearing examiners here in Montgomery
22 County regarding radio frequency engineering?

23 THE WITNESS: Yes, I have.

24 MR. GROSSMAN: All right. Mr. Barge, do you have
25 any questions regarding this witness' expertise? This is

1 only regarding his expertise?

2 BY MR. BARGE:

3 Q Expertise. Have you used a cell phone in front
4 of the proposed tower on Wasche Road?

5 MR. GROSSMAN: No, this is regarding his
6 expertise only, the question of whether or not he's an
7 expert.

8 MR. BARGE: He's got all the -- yeah, expertise,
9 go ahead.

10 MR. GROSSMAN: Okay. All right. I do accept
11 Mr. Curtis Jews as an expert in radio frequency
12 engineering.

13 MR. HUGHES: Thank you.

14 MR. GROSSMAN: All right.

15 BY MR. HUGHES:

16 Q Mr. Jews, can you explain to us what the current
17 coverage is like in this area for T-Mobile's customers?

18 A Sure. The current coverage I would classify as
19 unreliable coverage. I say unreliable, because there is a
20 probability of the user not being able to carry a call or
21 have any service at all, inside their home or inside their
22 vehicle or if they are on the street.

23 Q Are you familiar with the Montgomery County Tower
24 Committee?

25 A Yes, I am.

1 Q And do you know if they reviewed this
2 application?

3 A I am aware.

4 Q What did, do you know what they found regarding
5 this application?

6 A I do know that they did find that there was a
7 need for this service or this wireless facility, proposed
8 facility.

9 Q Okay. I'm going to ask you -- and I'm going to
10 give copies to Mr. Barge. I'm going to ask you if you can
11 identify this document? Here's a copy for Mr. Grossman.
12 And let me identify these. These are in the record, Mr.
13 Grossman.

14 MR. GROSSMAN: All right.

15 MR. HUGHES: They should be 24(m) and (n), sir.

16 MR. GROSSMAN: All right.

17 BY MR. HUGHES:

18 Q Can you tell us what these documents are?

19 A What these are, are called propagation maps, or
20 composite coverage maps.

21 Q And what do they show?

22 A What they show, the one that is labeled as
23 existing on-air coverage shows the current coverage, or
24 current on-air coverage.

25 MR. GROSSMAN: All right. And that's 24(n).

1 THE WITNESS: And then the next one, which is
2 labeled, existing on-air coverage with 7 WAN 251B shows the
3 proposed coverage if this wireless facility is used.

4 BY MR. HUGHES:

5 Q Can you explain what the colors indicate on this
6 map, Mr. Jews?

7 A Sure. You'll see three colors. The three colors
8 are green, blue and yellow. Green is your in building
9 coverage, the coverage you can expect inside of your home
10 or business. The blue is your in vehicle coverage, the
11 coverage you can expect inside of your, obviously your
12 vehicle or automobile. And yellow is your on street
13 coverage, the coverage that you can expect if you are
14 walking along the street roadways with a hands free or to
15 the ear.

16 Q Okay.

17 MR. GROSSMAN: May I suggest also in the future
18 that when you, these maps, that the actual existing
19 coverage is fine, labeled, existing on-air coverage. But
20 then when you talk about adding onto the tower, you can
21 still call it existing on-air coverage. It shouldn't be
22 proposed on-air coverage, or expected on-air coverage with
23 -- it's not an existing coverage.

24 MR. HUGHES: Well, you're right to an extent.
25 If I, just for dialogue.

1 MR. GROSSMAN: Sure.

2 MR. HUGHES: If we were to remove the existing, I
3 should say the surrounding sites, Mr. Grossman, and we just
4 showed this one, you're exactly correct. It is a little
5 confusing. Maybe we should say, existing on-air
6 surrounding sites, plus proposed for this one, because it
7 shows the existing sites, is what they really show, and
8 dropping in as proposed. So you're right. We need to
9 label it better though.

10 MR. GROSSMAN: Okay. I understand your point.
11 Yes, something that would say -- but really it is a map
12 showing the proposed coverage as it will exist once you add
13 this new site. So it is confusing to call it existing a
14 second time.

15 MR. HUGHES: Yes, I understand your point. Yes,
16 sir.

17 MR. GROSSMAN: I should say that there is a
18 slight difference in that the copies that you've provided
19 now --

20 MR. HUGHES: Is the color off a little bit?

21 MR. GROSSMAN: No, no. It's not so much the
22 color as it is that there is a map legend on the ones that
23 are in the record, which is helpful. The copies you just
24 handed out have a very tiny legend, I guess, in the corner.
25 the legend is bigger on the ones that we have in the

1 record, which is fine. I'm happy with that. I'm just
2 saying.

3 MR. HUGHES: I apologize to you.

4 MR. GROSSMAN: Okay.

5 BY MR. HUGHES:

6 Q Mr. Jews, so the one that's labeled just existing
7 on-air coverage, does that, what does that show to you as
8 far as what the coverage is now?

9 A Well, what it shows is there will be an
10 improvement.

11 Q What's it show right now?

12 A Sorry. What it shows right now is, there is
13 mostly in vehicle and on street coverage, where there is an
14 absence of in building coverage.

15 Q Okay. And what is T-Mobile's goals for its
16 customers? What is the goal as far as coverage level you
17 desire to provide?

18 A I don't understand.

19 Q Okay. What coverage levels are you trying to
20 provide? On this, you have, I guess, you have three colors
21 here.

22 A Uh-huh.

23 Q What color levels are most customers wanting?

24 A They're wanting the color levels of green, which
25 would be the in building coverage.

1 Q And why do people, why do you believe they want
2 indoor coverage?

3 A Because now you have subscribers and customers
4 that use this service for home use as far as their home
5 phone now is their cell phone. Also for internet use,
6 usage.

7 Q Okay. And so is it true that there is, besides
8 needing coverage, which you've mentioned is not shown, is
9 there also something called capacity needs?

10 A Yes, there are capacity needs.

11 Q And what type of services use a lot of capacity
12 on a wireless network?

13 A The data part of the service. Data, now we can
14 surf the internet on our phones, or tablets, or many mobile
15 devices, texting, video streaming, things of that nature.

16 Q So if this site was approved and built, what
17 would it mean regarding coverage and capacity in this area?

18 A It will increase, it will improve the coverage,
19 but also increase capacity. And the capacity, just to give
20 you an example, such as a roadway where there is a lot of
21 vehicular traffic, we have to widen the roads to provide
22 more space. So that's essentially what we're doing here
23 with the network. We're adding more room for more
24 customers.

25 Q And can you -- is it fair to say that you and

1 your team help design new sites for T-Mobile?

2 A Yes.

3 Q How does it get to the point of where you guys
4 know that you need to design a new site?

5 A My team, which is the design team, we work with
6 the performance engineers. The performance engineers are a
7 team of engineers that monitor the health of the network.
8 They are constantly monitoring stats, and also the customer
9 experience. And if certain goals or stats fall below what
10 we, as T-Mobile have set, then I work with the performance
11 engineers to help improve certain areas.

12 Q Okay. And did that type of evaluation occur in
13 this case?

14 A Yes, it did.

15 Q And what happens then? What type of evaluation
16 or action do you and your team review and/or work on?

17 A Well, what I need to do is evaluate the area, and
18 look at the actual coverage needs in the field, then also
19 come up with -- to find a location that will help in aiding
20 and providing the best improvement in the area. That's
21 generally what it is --

22 Q Okay.

23 A -- that happens.

24 MR. GROSSMAN: When you say the coverage is
25 deficient in the area, are you talking about coverage from

1 all carriers, or are you talking about T-Mobile?

2 THE WITNESS: Just T-Mobile. Yes, sir, just
3 T-Mobile.

4 MR. GROSSMAN: Okay.

5 BY MR. HUGHES:

6 Q Mr. Jews, I'm going to ask you if you can
7 identify another document. I'm going to give a copy to
8 Mr. Barge and the original to Mr. Grossman.

9 MR. GROSSMAN: All right. Thank you.

10 BY MR. HUGHES:

11 Q Are you able to identify this document?

12 A Yes.

13 Q And what is this document? What is it?

14 A This is a letter I --

15 Q Tell us.

16 A This is a letter I created that basically states
17 that T-Mobile will adhere to the FCC standards and
18 guidelines, and also not to interfere with any public
19 safety systems in this area --

20 Q Okay.

21 A -- for the County.

22 Q When you say FCC standards, are you and T-Mobile
23 agreeing that you'll follow all FCC guidelines, rules,
24 regs?

25 A Yes. Yes, that is the agreement.

1 Q And does that include the FCC emissions
2 guidelines?

3 A That is correct.

4 MR. GROSSMAN: Okay. And this is Exhibit 46, as
5 letter from Curtis Jews indicating T-Mobile will meet all
6 FCC standards and guidelines. Okay.

7 (Exhibit No. 46 was
8 marked for identification.)

9 MR. HUGHES: Thank you.

10 BY MR. HUGHES:

11 Q Mr. Jews, regarding non-interference, how do you
12 and T-Mobile know that you won't interfere with other
13 public safety systems?

14 A Because we operate on our own frequency band that
15 is totally separate from other carriers, other carriers
16 being AT&T, Verizon.

17 Q And for folks like Mr. Barge and others who live
18 in the area, do they need to be concerned about your
19 frequency technology interfering with the TV antennas or
20 phones or hearing aides or other sorts of items?

21 A No, they do not.

22 Q And why is that?

23 A Because once again, we are a separate frequency
24 band from those. There's more than enough separation
25 between those devices.

1 MR. HUGHES: Okay. Can I have one second, Mr.
2 Grossman?

3 MR. GROSSMAN: Sure.

4 MR. HUGHES: Thank you, sir. Thank you. Those
5 would be our questions for this witness.

6 MR. GROSSMAN: Mr. Barge, did you have any
7 questions of this witness?

8 CROSS-EXAMINATION

9 BY MR. BARGE:

10 Q On this map, I couldn't hear you when you were
11 talking about this, but this small legend up in the right
12 hand corner?

13 A Yes.

14 Q These look like oil derricks to me. They look
15 like oil derricks.

16 MR. GROSSMAN: Okay.

17 BY MR. BARGE:

18 Q What are they really?

19 A That is just a symbol that I've used to
20 demonstrate, if you notice, the proposed site, which is
21 7 WAN 251B, pretty much almost kind of in the center.

22 BY MR. BARGE:

23 Q Where is that located?

24 MR. HUGHES: That's on Wasche Road.

25 BY MR. BARGE:

1 Q Okay.

2 A If you notice the sites where you have the green,
3 I guess, kind of circles.

4 Q Yeah.

5 A I have the red kind of like quotation style marks
6 on the outside, indicating that those sites are actually on
7 air. They are provided service now. And the other ones
8 don't.

9 Q So these eight, I'll call them oil derricks,
10 those are cell phone towers you have in place already?

11 A Those are currently on there, yes.

12 MR. HUGHES: The only qualification, if I can add
13 it, is those aren't all T-Mobile's. Those are sites that
14 we are on.

15 THE WITNESS: For T-Mobile.

16 MR. HUGHES: Structures that we're on, Mr. Barge.

17 MR. BARGE: Structures that --

18 MR. GROSSMAN: They're not all T-Mobile towers,
19 but they all have T-Mobile antennas on them.

20 MR. HUGHES: Yes. And they may be poles, towers,
21 whatever.

22 MR. GROSSMAN: Right. What they're depicting,
23 every one of them, except for the center one. The center
24 one doesn't exist yet. That's the one they're proposing.
25 That's the one that's labeled 7 WAN 251B as in boy. Those

1 are, that's the only one that doesn't exist yet. That's
2 the one they're proposing. All the others around here
3 refer to locations where there are T-Mobile
4 telecommunications facilities. They may be sited on other
5 people's poles or whatever, but they have their antennas up
6 in these areas.

7 BY MR. BARGE:

8 Q Would it surprise you to know that about January
9 or February or March, I got a long distance call from a
10 friend of mine using a cell phone. He was in California.
11 And he called me at home. I was in bed watching
12 television. And I said, Gary, this is costing you a lot of
13 money on your phone. He said, it's not costing me a
14 nickel. I'm using my cell phone. Does that surprise you,
15 he could call from California to Dickerson, Maryland, on a
16 cell phone and reach me plain as day?

17 A It does not surprise me. We, T-Mobile, offer
18 numerous plans where you can make unlimited voice calls to
19 anywhere within the United States. So I would not be
20 surprised by that.

21 Q So in other words, if he could call me then, and
22 I didn't, he wasn't running up a bill. He said, this is
23 free. I don't understand that. He said, this is free.
24 Nothing is free. That means that I don't need a cell tower
25 in front of my property, if he can reach me plain as day.

1 And how did we live without cell phones 30, 40, 50, when he
2 was 10 years old, 15 years old, when I was 15 and 10,
3 during World War II? How did we get along without cell
4 phone towers? We're alive today.

5 MR. GROSSMAN: That's two questions.

6 MR. BARGE: Yeah.

7 THE WITNESS: Well, the latest one, I can't speak
8 to that because I wasn't even thought of. But yes,
9 technology has changed quite a bit. But yes, once again,
10 nothing is free, but I said the plans. You have to pay for
11 the plan.

12 MR. GROSSMAN: Well, he's saying, I think he's
13 going to the -- he's saying, if he can get this call --

14 MR. BARGE: From California.

15 MR. GROSSMAN: -- regardless of the price, from
16 California --

17 THE WITNESS: Yes.

18 MR. GROSSMAN: -- but clear as day, why is there
19 a need for this cell tower?

20 THE WITNESS: Yes, there's a lot of --

21 MR. BARGE: Correct.

22 THE WITNESS: -- there's a lot of other routing
23 and things like that that happen during the call process.
24 So it's not a matter of your friend being wherever he is to
25 where you are, and it just goes from there to there.

1 There's other routing and switching that takes place.

2 MR. BARGE: Well, if I use --

3 MR. GROSSMAN: From wherever, from wherever, he
4 wants to know if he gets cell phone coverage in his area,
5 why is there a need for another cell tower?

6 MR. HUGHES: For T-Mobile.

7 MR. GROSSMAN: For T-Mobile.

8 THE WITNESS: For T-Mobile. But once again, I
9 think he has stated earlier that he does not have T-Mobile
10 cell service.

11 MR. GROSSMAN: Right.

12 THE WITNESS: So I can't answer that.

13 BY MR. BARGE:

14 Q I have Verizon as my telephone. I guess you have
15 to have it. And if I want to call Gary, and I didn't get
16 his number, by the way, in California, do I have to go
17 through various circuits to get to him? Like you
18 mentioned, when Gary called me, he had to go there, there,
19 there. If I call by telephone, does it go from here to
20 there or here to there?

21 A Pretty much the process would be similar.

22 Q So it's the same by telephone as cell phone. So
23 if you have a telephone, what do you need a cell phone, a
24 cell tower. I have a cell phone I've used. I got it for
25 Christmas, a jitterbug. I've used it five times. And the

1 reason that Jon bought it for me, in case I fall, I have an
2 accident --

3 MR. GROSSMAN: Right.

4 MR. BARGE: -- I can call him to come and pick me
5 up.

6 MR. GROSSMAN: Do you know the carrier? Do you
7 know the telecommunication carrier?

8 MR. BARGE: Yes. It's Verizon? Right Jon?

9 MR. ANDERSON: I use Verizon.

10 MR. GROSSMAN: Okay. So I think the point is,
11 this is like the thoughts are passing in the night here.
12 The point is that you have Verizon coverage. His company
13 that he's testifying to as to the need is for his company's
14 coverage. That is, he is saying that T-Mobile does not
15 have adequate coverage in your area.

16 And for all those people who have T-Mobile
17 service, he's testifying that they need the cell tower to
18 give them adequate service, not only for telephone calls,
19 but for all the other things people use cell phones for
20 these days, data usage. That's what he's testified to.

21 BY MR. BARGE:

22 Q Sir, I'm just curious, what cell phone would not
23 operate in front of this property on Wasche Road? What's
24 the name of that cell phone?

25 A I would not know that.

1 Q Because I've tested various ones, and we had good
2 reception.

3 MR. GROSSMAN: Were they T-Mobile?

4 MR. BARGE: On that cell phone in front of that
5 proposed tower?

6 MR. GROSSMAN: I think that you're missing the
7 point, though, Mr. Barge. The point is that different
8 carriers provide different service, have their own
9 telecommunications service. And the point he's making is,
10 he's testifying, rightly or wrongly, but he's testifying
11 that T-Mobile does not have adequate coverage in this area,
12 as depicted on the map which shows yellow on the existing
13 coverage in this area, which means that it has on street
14 coverage, but not in home or in vehicle coverage.

15 Whereas once you, once the tower they're
16 proposing is put up, he is saying that there will be green
17 coverage, which means that they will have in vehicle and in
18 home coverage in this area for T-Mobile. That's what he's
19 saying, and why there is a need for it. So I just want you
20 to understand what that, what his testimony is.

21 BY MR. BARGE:

22 Q Does this mean that AT&T, Sprint, and T-Mobile,
23 you can't use those phones to call in front of this
24 property to somebody else? And Verizon. They list in the
25 Washington Post six phones?

1 A Once again, I can only testify to the service for
2 T-Mobile, or condition of the service for T-Mobile.

3 Q Can I --

4 MR. GROSSMAN: Well, no, you can ask him
5 questions.

6 MR. BARGE: -- ask him questions.

7 MR. GROSSMAN: Yes.

8 BY MR. BARGE:

9 Q Does this mean, if this T-Mobile site doesn't go
10 in, AT&T won't pay \$39 billion to T-Mobile to acquire all
11 their sites?

12 A That I cannot answer.

13 MR. GROSSMAN: He doesn't know the answer to
14 that.

15 MR. BARGE: Because this judge --

16 MR. GROSSMAN: No, no, no. Don't tell me what
17 anybody said. Just ask questions if you have questions.

18 BY MR. BARGE:

19 Q Are you aware that the U.S. District Judge Ellen
20 Quibell in Washington is suing the closed down AT&T because
21 this provides a monopoly

22 MR. GROSSMAN: That's not true?

23 MR. BARGE: Isn't it?

24 MR. GROSSMAN: No. The judges don't sue. She's
25 a judge in a case that involves that. But that's not -- he

1 hasn't testified regarding that at all. So it's not within
2 his --

3 BY MR. BARGE:

4 Q Well, I was just wondering, is there a monopoly?

5 MR. GROSSMAN: Once again, that's outside the
6 scope of --

7 MR. BARGE: That's outside. I'm sorry.

8 MR. GROSSMAN: He's an expert in --

9 MR. BARGE: That's all the questions I have.

10 MR. GROSSMAN: Okay. He's an expert in radio
11 frequency engineering. He's not --

12 MR. BARGE: Okay. Radio frequency. Okay. We
13 have all that.

14 MR. GROSSMAN: Okay.

15 MR. BARGE: I guess.

16 MR. GROSSMAN: All right. Any redirect?

17 MR. HUGHES: No, sir.

18 MR. GROSSMAN: All right. Thank you, Mr. Jews.

19 THE WITNESS: No problem.

20 MR. GROSSMAN: Any further witnesses?

21 MR. HUGHES: No, sir.

22 MR. GROSSMAN: All right. At this time,

23 Mr. Barge, this is your opportunity to complete your
24 testimony regarding the proposed changes and the location
25 of the facility we talked about. We've already testified

1 on June 24th, and you don't have to repeat any of that, as
2 I told you, I listed to your testimony. I read it in the
3 transcript. I even summarized it. So I'm familiar with
4 what you said. The only question is, do you have any
5 further testimony regarding the new location for this site?

6 MR. BARGE: Well, I know you're going to stop me
7 if I ask the wrong question. I'm prepared for that.

8 MR. GROSSMAN: Well, this is not a question.
9 This is your opportunity. This is your opportunity to
10 testify. You are under oath, which I put you under oath
11 the last time. This is your opportunity to testify or to
12 complete your testimony. You've already testified. To
13 complete your testimony regarding this changed location of
14 the site.

15 MR. BARGE: One, isn't -- number one, isn't the
16 public entitled to know, one, the number of cell towers
17 presently under lease in Montgomery County, Maryland, terms
18 of the lease, such as amounts paid out for each tower per
19 month and year, duration of the leases, location of the
20 towers, names of payees and number of sites under
21 consideration by T-Mobile in Montgomery County, Maryland.

22 Second question. Why does T-Mobile need so many
23 towers? Three. Why do you need -- I better not ask this
24 question. What are -- it involved attorneys, so I'm not
25 going to ask it.

1 MR. GROSSMAN: Well, you --

2 MR. BARGE: I'll go ahead and ask it.

3 MR. GROSSMAN: People have lots of opinions about
4 attorneys. It's fine. Attorneys are like other people.
5 There are good ones, bad ones, and in between ones. Go
6 ahead.

7 MR. BARGE: Well my favorite one was at the
8 Mayflower. He was Governor of New York.

9 MR. GROSSMAN: Okay.

10 MR. BARGE: That was my favorite. Believe me,
11 that was my favorite attorney. Why do you need so many
12 attorneys for setting up the cell phone agreements?

13 Okay. Four, why are T-Mobile lawyers
14 establishing the cell towers as LLC? What is the dollar
15 amount of any legal liability per cell tower? In other
16 words, if you got \$5 in your account, T-Mobile, and you're
17 an LLC, I can't sue for more than \$4.

18 Why are these towers established and operated
19 under T-Mobile instead of LLC? Please describe anything
20 you are doing illegal or questionable? If you cannot
21 furnish me as a citizen of Montgomery County the above
22 information, I will request it pursuant to freedom of
23 information act through the ACLU or common cause.

24 And after I saw that on TV about Bloomberg sued
25 the federal government under the freedom of information

1 act, they got 29 pages -- that was a secret deal that --

2 MR. GROSSMAN: We're going way, way far afield.

3 MR. BARGE: Yeah. That was a secret deal.

4 MR. GROSSMAN: This has nothing to do with Mayor
5 Bloomberg in New York. It has to do with --

6 MR. BARGE: I like him.

7 MR. GROSSMAN: Okay. It has to do with the
8 question of a cell tower here. And a lot of these
9 questions that you raise are, I'm not saying they're not
10 legitimate questions, but they're not for this particular
11 proceeding. You can go to the --

12 MR. BARGE: HLU?

13 MR. GROSSMAN: No. You can go to the County
14 telecommunications office, and they probably do have lots
15 of the information that you're seeking. But that's general
16 information that doesn't have to do with this particular
17 request.

18 As I mentioned at the beginning, there are very
19 specific statutory standards that I look at. They are all
20 outlined in the staff report, the technical staff report of
21 the Maryland National Capital Park and Planning Commission.

22 And if you look at that report, you have a copy
23 of it, you'll see that all of those standards are set out
24 in the report. And those are the standards that I look to.
25 And that's what the statute requires that I look at, and

1 nothing else. I don't take a vote on what people think, in
2 general. I'm not permitted to. The case law says, zoning
3 is not a plebiscite.

4 MR. BARGE: In other words, these questions I
5 just asked --

6 MR. GROSSMAN: Those are not questions --

7 MR. BARGE: Those are not questions?

8 MR. GROSSMAN: -- for this proceeding. You can
9 ask any witness who testified in cross-examination,
10 anything that's within the scope of their examination. And
11 you can raise issues yourself in your own testimony, but
12 most of the questions that you set forth are questions that
13 you'd want to pose to County offices that deal with
14 telecommunications matters, not in this proceeding.

15 MR. BARGE: Are you familiar with the Montgomery
16 County Side Alliance.

17 MR. GROSSMAN: Once again, you can't -- he
18 doesn't have to answer questions. He's the attorney. That
19 means he is the applicant's attorney. He is not a witness
20 in the case. And so you can't ask him questions and expect
21 him to answer questions from you in this proceeding. He is
22 not required to answer questions from you in this
23 proceeding.

24 MR. BARGE: Can I ask any question?

25 MR. GROSSMAN: Well, you can ask me questions, if

1 you want. If I can answer your questions, I'll answer
2 them, if they are relevant.

3 MR. BARGE: Okay. I have here in the newspaper
4 T-Mobile's troublesome towers. Are you familiar with that?

5 MR. GROSSMAN: No.

6 MR. BARGE: Okay. I wonder why they're
7 troublesome. But anyway, that's all.

8 MR. GROSSMAN: Okay. I'm not trying to frustrate
9 you. I want to give you the opportunity --

10 MR. BARGE: I am trying. I've been frustrated,
11 sir.

12 MR. GROSSMAN: I want to give you the opportunity
13 to, and I think I have given you lots of opportunities --

14 MR. BARGE: You have, indeed.

15 MR. GROSSMAN: -- to state your feelings about
16 it, and I understand your feelings about it. I mean, I
17 understand why you feel the way you do. But I still have
18 to follow the rules and regulations set out by statute, the
19 Zoning Ordinance. All right. So have you completed
20 your --

21 MR. BARGE: I just want to ask you one question.
22 Did you, and I'm saying he's T-Mobile. Can I say that?

23 MR. GROSSMAN: Well, he --

24 MR. BARGE: He represents T-Mobile.

25 MR. GROSSMAN: He represents T-Mobile.

1 MR. BARGE: Okay. Did you talk with any of the
2 adjacent property owners on Wasche Road?

3 MR. GROSSMAN: Go ahead. You can answer that
4 question for him, Mr. Hughes. Did you talk to them?

5 MR. HUGHES: I did not.

6 MR. BARGE: He can't answer that?

7 MR. GROSSMAN: No, I told him to go ahead and
8 answer it.

9 MR. HUGHES: I did not, Mr. Barge.

10 MR. BARGE: You did not talk to them. Can I make
11 a statement that I talked to them?

12 MR. GROSSMAN: Absolutely. Sure. You can say
13 you talked to them, but you can't --

14 MR. BARGE: I'll tell you what they said.

15 MR. GROSSMAN: -- you can't tell me what they
16 said, if you're offering it to prove the truth of what they
17 asserted because in fairness, they're not here to be cross-
18 examined. So it's not fair if you are offering it to prove
19 the truth of what they're saying. So that's what they call
20 hearsay.

21 Now, some hearsay is permitted in this type of
22 proceeding, but it has to be reliable and probative. And I
23 can't say that if somebody, in fairness, I have to be fair
24 to both sides here, I can't allow people who made
25 statements outside of this courtroom or hearing room, I

1 should say, to testify through you without being present to
2 be cross-examined. It's just not fair.

3 MR. BARGE: Not fair.

4 MR. GROSSMAN: Right.

5 MR. BARGE: Well, okay. Well, when do you start
6 construction on the cell phone tower?

7 MR. GROSSMAN: Well, he can't -- there is, the
8 proceeding is this. After this hearing, I write a report
9 and recommendation. And I will send you, I have your
10 address, we will send you a notice that that report and
11 recommendation is on the website. Do you know how to get
12 onto the internet?

13 MR. BARGE: I don't have a computer. I don't
14 know about them.

15 MR. GROSSMAN: All right. We'll send you -- all
16 right. We'll send you a copy of my report.

17 MR. BARGE: I'm like Judge Judy. She doesn't
18 have a computer. She doesn't have a fax machine.

19 MR. GROSSMAN: Okay.

20 MR. BARGE: She doesn't understand them, like me.

21 MR. GROSSMAN: Okay. I will send you the written
22 copy of my report.

23 MR. BARGE: One more question.

24 MR. GROSSMAN: Well, hold on a second and let me
25 just say, that report is due 30 days after the record

1 closes here. Now, the record is going to be held open for
2 a bit to get the modified plan, as far as where they're
3 going to put, they're going to put some screening trees.
4 But 30 days from the date that the record closes, I produce
5 my report, then you have 10 days after my report is issued,
6 you have 10 days --

7 MR. BARGE: To appeal.

8 MR. GROSSMAN: No, in which to request oral
9 argument if you wish it before the Board of Appeals. If
10 you do request oral argument before the Board of Appeals,
11 they may or may not grant that. They don't publish, they
12 don't send out a notice of their work session. So you have
13 to check with the Board of Appeals as to when they're going
14 to have their work session at which they will discuss my
15 report and this application.

16 At that work session, if somebody requests an
17 oral argument, they will decide whether or not to grant
18 oral argument. If they do grant oral argument, they'll
19 hold that probably at some future time, although they could
20 hold it right then.

21 In any event, at some point they will have a work
22 session at which they will hear this case, and they will
23 base their decision only on the record that's compiled
24 here. There will be no additional evidence received, only
25 argument on the evidence. No additional evidence. And if

1 they allow argument at all.

2 And then, then they will make their decision, and
3 they will, a few weeks after that, they will issue a
4 resolution. And you'll get a copy of that resolution. And
5 that resolution will tell you how they resolved the case.

6 Then, if you wish to appeal that resolution,
7 that's the final --

8 MR. BARGE: No, I'll be dead by then.

9 MR. GROSSMAN: Hopefully not. And if you wish to
10 appeal that resolution, you'll have an opportunity to
11 appeal that to a court. So that's the way the process
12 works. I wanted you to understand the process.

13 MR. BARGE: Mr. Hughes, I'd like to ask a
14 question. At the June the 24th hearing when Park and
15 Planning told you that your pad was not in accordance with
16 the distance required for the cell phone tower of 155 feet
17 in, I want to ask you this question because someone in the
18 neighborhood told me it was already done, did you pour a
19 pad 40 some feet from the property line for the cell phone
20 tower? Was a cement pad poured?

21 MR. HUGHES: No, sir. We have not done any
22 construction.

23 MR. BARGE: Because a friend of mine said it was
24 poured. And I said, well, it can't be poured, it hasn't
25 been approved.

1 MR. GROSSMAN: Correct. He said, no.

2 MR. BARGE: So, you said --

3 MR. HUGHES: No, sir.

4 MR. BARGE: Would you say that the tower will be
5 up in six months, about six months?

6 MR. GROSSMAN: He can't no because he can't know
7 until, unless and until it is approved. He doesn't know.
8 The Board of Appeals has to act on it, and they make the
9 decision in the case.

10 MR. BARGE: Okay. But I did say when I won the
11 cell phone tower on White's Ferry Road, and I understand
12 Mr. Hughes it was the first cell phone tower facility that
13 was ever defeated in Montgomery County, one of the
14 questions I asked the -- I think it was in this room.
15 There were other people sitting up there.

16 MR. GROSSMAN: Right, probably the Board of
17 Appeals.

18 MR. BARGE: There was a lawyer. Was it you
19 sitting at that end?

20 MR. GROSSMAN: No.

21 MR. BARGE: And I met a man at Bob Evans --

22 MR. GROSSMAN: We can't, we're going too far
23 afield.

24 MR. BARGE: Okay. Let me --

25 MR. GROSSMAN: You can tell this to Mr. Hughes

1 afterwards if you want. But as to the hearing, as far as
2 the hearing is concerned --

3 MR. BARGE: I wanted to ask a question. Do you
4 think that cell phone towers are needed for cell phones in
5 Montgomery County in front of this property?

6 MR. GROSSMAN: Well, I --

7 MR. BARGE: That's a question I'm asking him.

8 MR. GROSSMAN: All right. But Mr. Hughes is not
9 a witness here, and I think he has produced evidence that
10 it's needed.

11 MR. BARGE: Well, he's tested it. I mean, I have
12 tested it. I can tell you, and you can ask me a question,
13 and I'll say, a cell phone isn't needed. And then I'll
14 say, why is a tower needed? Well, we're trying to get as
15 many towers as we can so when AT&T goes to pay us some
16 money, we can say, here's how many towers we've got for
17 you.

18 MR. GROSSMAN: Well, I understand that's, I
19 understand that's your position and you've already
20 testified as to that. Is there anything further that
21 you --

22 MR. BARGE: No questions further.

23 MR. GROSSMAN: Okay. Mr. Anderson. Do you want
24 to come forward Mr. Anderson, and do you have something to
25 say?

1 MR. ANDERSON: Yes.

2 MR. BARGE: He's a farmer.

3 MR. GROSSMAN: All right, sir. Just have a seat

4 right there next to -- you can sit right next to Mr. Barge.

5 MR. BARGE: Sit in the expert's chair.

6 MR. GROSSMAN: You have to move that microphone,

7 sir, so you can be heard.

8 MR. ANDERSON: This is being recorded?

9 MR. GROSSMAN: Yes.

10 MR. BARGE: You're being recorded, comrade.

11 MR. ANDERSON: There was a lady that came in and

12 told us, while you were gone --

13 MR. GROSSMAN: Wait, before you do that, let me

14 get your full name and address, please?

15 MR. ANDERSON: Okay. It's Jon Anderson.

16 MR. GROSSMAN: All right, Mr. Anderson. And

17 what's your address?

18 MR. ANDERSON: 28710 Kemptown Road.

19 MR. GROSSMAN: And that is in?

20 MR. ANDERSON: Damascus, Maryland, Montgomery

21 County.

22 MR. GROSSMAN: And what's your zip code?

23 MR. ANDERSON: 20872. I've been a resident since

24 1967.

25 MR. GROSSMAN: And about how far is that from

1 this site?

2 MR. ANDERSON: Approximately 24 miles.

3 MR. GROSSMAN: Okay. All right. Would you raise
4 your right hand, please?

5 (Witness sworn.)

6 MR. GROSSMAN: All right. Now you can proceed.

7 MR. ANDERSON: How do we address you, as Your
8 Honor, or mister?

9 MR. GROSSMAN: No. Mr. Hearing Examiner,
10 Mr. Grossman, either one.

11 MR. ANDERSON: Okay. I suppose you're saying,
12 well he lives over in Damascus, what does he have to do
13 here. Well, you're Baltimore and he's over in Carroll
14 County, so I can say the same, I guess.

15 I know what T-Mobile is, what they're trying to
16 do. They want to expand their business. The number of
17 subscribers for T-Mobile is a little over 33 million. AT&T
18 is 96, I'm sorry 98, 98 and a half. And then you get
19 Verizon which is --

20 MR. GROSSMAN: Where are you getting these
21 figures?

22 MR. BARGE: The Washington Post.

23 MR. ANDERSON: Okay. I'm sorry. I guess for the
24 record, these figures come from the Washington Post on
25 September the 2nd, 2011.

1 MR. GROSSMAN: Okay.

2 MR. ANDERSON: So obviously --

3 MR. GROSSMAN: What page is that?

4 MR. ANDERSON: I'm sorry, page A-12.

5 MR. GROSSMAN: A-12, and you said it was

6 September --

7 MR. ANDERSON: Second.

8 MR. GROSSMAN: -- second, 2011.

9 MR. ANDERSON: Yes, sir.

10 MR. GROSSMAN: All right. And what were the

11 figures again?

12 MR. ANDERSON: Okay.

13 MR. BARGE: Do you want to give him that copy?

14 MR. ANDERSON: AT&T is, I'll give you the exact

15 numbers, 98.6 million.

16 MR. GROSSMAN: Subscribers?

17 MR. ANDERSON: Yes, sir.

18 MR. GROSSMAN: Okay.

19 MR. ANDERSON: Sprint is 52 million.

20 MR. GROSSMAN: Okay.

21 MR. ANDERSON: And Verizon 106.3 million.

22 MR. GROSSMAN: Okay.

23 MR. ANDERSON: And T-Mobile, 33.6 million.

24 MR. GROSSMAN: All right.

25 MR. ANDERSON: So it's obvious. They want to

1 expand. They want to make more money. And that's
2 understandable. That's business. That's capitalism. And
3 I accept that, because I'm a retired business man.

4 But what I'd like to say is that Mr. Goldman,
5 about two months ago I took a trip to northern Illinois to
6 visit a relative. And going across out country, after, I
7 don't know five-six hours on the highway driving I started
8 to notice all of these towers out in fields like this one.

9 MR. GROSSMAN: All right. Well, that's a picture
10 of a telephone pole.

11 MR. ANDERSON: Correct. There are telephone
12 poles and there's electric poles in this particular
13 photograph. The point I wanted to make is that I thought
14 it was a crime that our horizons are covered with poles. I
15 don't care whether they are Verizon or T-Mobile poles, or
16 electric company poles. But somewhere along the line,
17 Mr. Goldman, we've got to say no more.

18 MR. GROSSMAN: Right. Grossman is my name, by
19 the way.

20 MR. ANDERSON: I'm sorry, sir.

21 MR. GROSSMAN: That's all right.

22 MR. ANDERSON: Mr. Grossman. I'm trying to think
23 ahead of what I want to tell you.

24 MR. BARGE: Football.

25 MR. ANDERSON: At some time we've got to just

1 say, enough is enough. Now, T-Mobile, yes, they want to
2 expand. And I told you why. But already now we have good
3 acceptance from other mobile companies, other cell phone
4 companies. My own phone, I have a Verizon phone. I'm
5 sorry, it's a Samsung phone, but Verizon supplies the
6 communications. And I can get almost indoor, outdoor, in
7 the car, around here, up and around Poolesville, Dickerson,
8 Damascus.

9 I can use it at any time, as long as I keep the
10 battery charged. At age 75 sometimes I have a hard time
11 remembering to charge the battery occasionally. But
12 anyhow, getting on, it's a shame that we are cluttering our
13 horizons with poles and wires.

14 MR. GROSSMAN: That's not really an issue before
15 me. I'm not making a policy decision as to whether or not
16 cell towers are a good thing or a bad thing. That decision
17 has already been made, first by the federal government,
18 which has regulations on that --

19 MR. ANDERSON: I understand.

20 MR. GROSSMAN: -- and to some extent preempt the
21 field here. And secondly, by the state and locality that
22 cell towers are permissible under the circumstances that
23 are spelled out in the Zoning Ordinance.

24 And so what I do is apply the standards of the
25 Zoning Ordinance. I don't make a policy decision as to

1 whether it's good for the world or bad for the world to
2 have cell towers. I follow the guidelines of the
3 ordinance. That's my job.

4 MR. ANDERSON: But somewhere along your life
5 span --

6 MR. GROSSMAN: Yes.

7 MR. ANDERSON: -- you're in a position to maybe
8 expound upon these issues. And maybe we've gone overboard
9 on some things.

10 Down in Damascus, our little community of
11 Damascus, it was cluttered with poles and wires. But then
12 they decided to put that all underground. And you wouldn't
13 believe how it opened up the sky. It was unbelievable.
14 And you wouldn't say it was the same community.

15 MR. GROSSMAN: Right.

16 MR. ANDERSON: Now, you from Baltimore County,
17 you don't enjoy open spaces until you get out in the
18 country somewhere. This gentleman here, he lives up in
19 Carroll County. Well, I don't think he's got any poles in
20 his back yard, or towers. But enough said on that.

21 I'm not an environmentalist, but I do enjoy being
22 able to see our world unobstructed, only by --

23 MR. GROSSMAN: Right. I'm not saying you're
24 wrong. I'm just saying it's not within my purview to make
25 that decision.

1 MR. ANDERSON: -- mother nature.

2 MR. GROSSMAN: Right.

3 MR. ANDERSON: Now, I did write down some things
4 here. I wanted to -- I guess I can't ask these folks any
5 questions.

6 MR. GROSSMAN: Well, I wasn't aware that you
7 wanted to testify in the first place or I would have
8 provided you the ability to ask questions.

9 MR. ANDERSON: Well, let me just -- they don't
10 have to answer me.

11 MR. GROSSMAN: All right.

12 MR. ANDERSON: I won't talk to them. I'll talk
13 to you.

14 MR. GROSSMAN: All right.

15 MR. ANDERSON: Okay. And it will be on the
16 record. How many antennas are there now in Montgomery
17 County? How many more are planned?

18 MR. GROSSMAN: Once again, you're asking kind of
19 global questions that are outside the purview. And these
20 are the same questions asked by Mr. Barge, that are outside
21 the purview of this hearing.

22 This hearing is to decide whether or not the
23 applicants have complied with the statutory requirements.
24 All right. So whether or not there are five or 10 or 1,000
25 antennae in Montgomery County is not the issue. And we

1 can't resolve that issue.

2 I'm not saying you're wrong. Maybe there should
3 be no cell towers at all. Maybe there should be more of
4 them. That's not what I can make a recommendation on. I
5 don't decide anything here. But I can't make a
6 recommendation on it.

7 MR. ANDERSON: Right, and --

8 MR. GROSSMAN: So asking me these questions will
9 not get anywhere. It's beyond the scope of this hearing.
10 If you're talking about the specifics of this area, whether
11 or not they've met the statutory standards for setbacks,
12 whether or not this is located, whether there's a need for
13 it, whether it's located in the least intrusive area of the
14 site, you know, any of those things would be within the
15 purview. But you're asking questions that are beyond an
16 area that I can go into.

17 You can find out the answer, I suspect, to many
18 of these questions by posing them to the County's
19 telecommunications office, which probably has figures on
20 all of those things that you want answers.

21 MR. ANDERSON: But you said earlier, from the
22 hearings that we've had here, that you're going to go and
23 talk to or report to --

24 MR. GROSSMAN: What I do is I write a report, a
25 very specific report --

1 MR. ANDERSON: Okay. You write a report.

2 MR. GROSSMAN: -- regarding this particular
3 application.

4 MR. ANDERSON: Right.

5 MR. GROSSMAN: I write it and I address it to the
6 Board of Appeals --

7 MR. ANDERSON: Okay.

8 MR. GROSSMAN: -- which will decide this case.
9 And my report will be based on the record here, and the
10 evidence that's relevant to the issues that I'm required to
11 look at. It will not be based on a question of whether or
12 not there, whether T-Mobile is or is not being acquired by
13 AT&T. It will not be based on whether or not there are
14 1,000 other T-Mobile sites in the County or in the State or
15 in the country. It's going to be addressing this
16 particular site and this particular application.

17 And that report will cite the record here, will
18 report all of the testimony here, and will make a
19 recommendation to the Board of Appeals and will include the
20 recommendation for conditions, if I recommend granting the
21 special exception. And then the Board of Appeals will make
22 their own decision as to what they consider appropriate.

23 MR. ANDERSON: Well, I guess we're shot down.

24 MR. GROSSMAN: Well, I'm not saying you're shot
25 down. I'm just saying that you have to address the issues

1 that are before me, not broader issues of policy. This is
2 not a policy, I'm not a policy maker here.

3 MR. ANDERSON: I understand.

4 MR. GROSSMAN: I am making decision on very
5 specific criteria.

6 MR. ANDERSON: So the policy is against us.

7 MR. GROSSMAN: Well, I don't want to say against
8 or for. It's just, it is a policy, and it is set forth in
9 the Zoning Ordinance.

10 MR. ANDERSON: Right.

11 MR. GROSSMAN: And if you want to see exactly
12 what it says in the Zoning Ordinance, it's very specific,
13 and as to, you know, the criteria that are imposed here,
14 the land use criteria.

15 There are certain areas that we are not allowed
16 to go into that the federal government has preempted. For
17 example the question of whether or not there is a problem
18 in the radio frequency and people's health. The federal
19 government by statute has preempted that field and said we
20 cannot get into that at all.

21 As long as they certify, as they have here in
22 Exhibit 46, that they will meet the FCC regulations, we
23 can't get into any potential health effects. And so, but
24 the only other areas that I would look at are the land use
25 areas. And I think you've heard the testimony on that.

1 MR. ANDERSON: The one photograph that they took
2 apparently along White's Ferry Road --

3 MR. GROSSMAN: Yes.

4 MR. ANDERSON: -- they took pictures, apparently,
5 from the front of Henry's farm --

6 MR. GROSSMAN: Right.

7 MR. ANDERSON: -- Mr. Barge's farm. And they
8 apparently tried to take a photo showing not the balloon, I
9 guess is what it's about. But anyhow --

10 MR. GROSSMAN: They have two photos from there.
11 One shows the balloon, and one they simulate the tower.

12 MR. ANDERSON: Okay.

13 MR. GROSSMAN: Because they want you to see what
14 it will look like when the tower is up.

15 MR. ANDERSON: Okay. I don't think they did that
16 on this photo.

17 MR. GROSSMAN: They may not have.

18 MR. HUGHES: Because it says it wasn't visible.

19 MR. GROSSMAN: It may not have been visible from
20 there.

21 MR. ANDERSON: I can tell you why it's not
22 visible. First of all, the photo was taken down in the low
23 area. Mr. Barge's house sits back about almost 150 yards,
24 200 yards from the highway, up on a high knoll. And from
25 his house, a two-story house, he could see the tower, once

1 it's erected.

2 MR. GROSSMAN: Okay.

3 MR. ANDERSON: I think they should have been, in
4 all fairness, they should have contacted him and asked if
5 they could have taken a photo from his house to see if the
6 balloon could be seen. And the possibility, certainly,
7 with the leaves off the trees, he will have to look at a
8 view of that tower.

9 But other than that, Mr. Goldman, I want to, I
10 guess, say that I've never been at anything like this.
11 It's been somewhat of an education. And you've been very
12 patient.

13 MR. GROSSMAN: Thank you. I do want to hear from
14 the community. I think it's always important to get
15 community views. And I appreciate the fact that both of
16 you gentlemen have taken your time to come down here and
17 express your views. They are important to what we consider
18 here.

19 MR. ANDERSON: Yes, two times.

20 MR. GROSSMAN: Right. Twice.

21 MR. ANDERSON: Yes, we had to come back.

22 MR. BARGE: We had to pay in the lot again.

23 MR. ANDERSON: But we pay taxes in this County.
24 They don't. They don't live here.

25 MR. GROSSMAN: It's not something that I --

1 MR. ANDERSON: I know it's not in the thing that
2 they have -- they could be from Taiwan. And that would be
3 fine in this County if they wanted to put something in my
4 backyard or his back yard or your backyard.

5 MR. GROSSMAN: Right.

6 MR. ANDERSON: That would be fine, no matter
7 where they're from. But as County residents for so many
8 years, I'm 75 and we moved here it was in '67, you were
9 probably a little boy then.

10 MR. GROSSMAN: I wish I was a little boy in '67.

11 MR. ANDERSON: But anyhow, I pay high taxes and I
12 appreciate at least the opportunity to express my feelings.
13 It's strictly environmental. I think these towers, we
14 should be not adding them. We should put a cap on them and
15 look for ways to remove them.

16 Now, technology will. These towers might only
17 last five or 10 years and they will be gone. Well, they
18 should be gone.

19 Another thing in their agreement, though, that
20 you want to watch, is I caught one of these people saying
21 that once these towers become inoperable --

22 MR. GROSSMAN: Yes.

23 MR. ANDERSON: -- you know, out of date, because
24 of technology, the new technology, that they will be
25 removed after continuous use.

1 MR. GROSSMAN: For a period of time.

2 MR. ANDERSON: Right.

3 MR. GROSSMAN: It's a very specific condition
4 that we routinely have. Let me read it to you.

5 MR. ANDERSON: But that mean to me that, well,
6 they might use the tower for three or four days, and then
7 they won't use it for two months.

8 MR. GROSSMAN: I see your point. But it's a
9 statutory provision. It's in the Zoning Ordinance. And as
10 a result -- we pretty much stick to the language. The
11 condition we usually impose is, the telecommunications
12 facility must be removed at the cost of the owner of the
13 telecommunications facility when the facility is no longer
14 in use by any telecommunications carrier for more than 12
15 months. That's pretty much track statutory language.
16 That's what it says.

17 MR. ANDERSON: Well, Mr. Barge is here because
18 he's concerned about his County --

19 MR. GROSSMAN: I understand.

20 MR. ANDERSON: -- and where he lives. He's not
21 here for monetary --

22 MR. BARGE: I'm not getting paid a nickel.

23 MR. GROSSMAN: I understand.

24 MR. ANDERSON: Yes, he's not being paid for being
25 here.

1 MR. GROSSMAN: I understand.

2 MR. ANDERSON: And I hope that the County will
3 appreciate his efforts.

4 MR. BARGE: I did want to ask you one question,
5 Mr. Grossman.

6 MR. GROSSMAN: Yes, sir.

7 MR. BARGE: When everybody left for the five
8 minute recess --

9 MR. GROSSMAN: Yes.

10 MR. BARGE: -- a woman came in here and said, I
11 want you to know that the conversation that you're having
12 in here --

13 MR. GROSSMAN: Yes.

14 MR. BARGE: -- goes to all the offices, several
15 offices. That's like Richard Nixon. He hung himself.

16 MR. GROSSMAN: This is, the room, because it's a
17 public hearing, and because it's a public hearing --

18 MR. BARGE: Well, don't you think there should be
19 a setup there. During recess, don't talk about anything,
20 or talk to anybody, anywhere, signed, Richard Nixon.
21 Because that's what hung him in his tapes. His tapes --

22 MR. GROSSMAN: All right. But don't keep on
23 picking up the microphone because I think that affects the
24 court reporter's things.

25 MR. BARGE: Oh, are you listening to me? Hello.

1 MR. GROSSMAN: I think the important point is,
2 it's a public hearing, and so everything that's said in
3 this room is subject to public scrutiny.

4 Mr. Hughes, I neglected to ask you if you have
5 any questions, cross-examination questions of Mr. Barge?

6 MR. HUGHES: No, thank you.

7 MR. GROSSMAN: And do you have any cross-
8 examination questions of Mr. Anderson?

9 MR. HUGHES: No, sir.

10 MR. GROSSMAN: All right. Thank you. Okay.
11 Then at this point in the hearing we'd like to know if you
12 want the exhibits introduced. We have Exhibits 1 through
13 46, and their subparts. Would you like to move them into
14 evidence?

15 MR. HUGHES: Yes, sir. I would like to move
16 those in.

17 MR. GROSSMAN: All right. Any objection to the
18 exhibits coming into evidence? Hearing on objection,
19 Exhibits 1 through 46 and their subparts are admitted.
20 Okay. Now let's talk about, how much time to you want,
21 Mr. Hughes, to do the amended --

22 (Exhibit Nos. 1-46 were
23 admitted into evidence.)

24 MR. HUGHES: Could we have two weeks, sir?

25 MR. GROSSMAN: Sure. Okay. So I've got a

1 calendar here. Do you want to consult with your --

2 MR. HUGHES: Yes, sir. Thank you.

3 MR. GROSSMAN: We're just figuring out how much -
4 - he has to submit an amended landscaping plan, and so he's
5 asking for two weeks to submit the amended landscaping
6 plan, which I will give him. And then we're figuring out
7 the dates by which the record will close, because I'll give
8 you an opportunity to look at it and make any comments you
9 want. You can file with our office. So I'll give you 10
10 days after he files the plan to make any comments you have
11 about the amended landscaping plan.

12 MR. BARGE: I wanted to ask you another question.
13 It's too late now.

14 MR. GROSSMAN: We're finished with the evidence
15 here.

16 MR. BARGE: Okay. I just want to bring this up.
17 When he submitted when I was here the first time, June
18 24th --

19 MR. GROSSMAN: Yes.

20 MR. BARGE: -- and he was 42 feet or 40 feet from
21 a property line.

22 MR. GROSSMAN: Right.

23 MR. BARGE: Prior to that, he had submitted
24 various T-Mobile drawings, but Park and Planning came back
25 and said, oh no, it must be a foot back from property line

1 for every foot of the tower.

2 MR. GROSSMAN: That's correct.

3 MR. BARGE: He knew that. He knew that ahead of
4 time.

5 MR. GROSSMAN: All right. But that's irrelevant
6 now.

7 MR. BARGE: I know.

8 MR. GROSSMAN: That's not where the tower is --

9 MR. BARGE: I know, but I'm just saying that he
10 knew that ahead of time. There was a reason for that.

11 MR. GROSSMAN: Okay.

12 MR. BARGE: But I did come back.

13 MR. GROSSMAN: Yes, sir. You did indeed.

14 MR. BARGE: I did make it back. I won't make it
15 back to Montgomery County.

16 MR. GROSSMAN: I get it.

17 MR. BARGE: I'm moving to Baltimore County.

18 MR. GROSSMAN: I'm quite familiar with that area,
19 too.

20 MR. BARGE: My area?

21 MR. GROSSMAN: Wasche Road, yes.

22 MR. BARGE: Good. We have, well, it used to be a
23 good restaurant. We don't have it anymore. We have a lot
24 of farms.

25 MR. GROSSMAN: I know, it's a beautiful area.

1 MR. BARGE: This cell phone is across from a
2 historic property, the Jamison Farm, directly across from
3 it.

4 MR. GROSSMAN: We have to stop now because we're
5 past the evidence part, and I can't really listen to
6 additional evidence.

7 MR. BARGE: He's still on the meter?

8 MR. GROSSMAN: Yes. He's still on the meter.
9 He's figuring out a date here. But I can't listen to
10 additional evidence when he's not listening.

11 MR. BARGE: Okay.

12 MR. GROSSMAN: Yes. It's all being recorded.
13 Mr. Barge, do you want to wait until we have date by which
14 you'll be able to see when the record will close and how
15 much time you'll have to give a response.

16 MR. BARGE: I'm not going to do anything else.

17 MR. GROSSMAN: Okay. Well, that's up to you.
18 You're free to leave now, or you can wait to hear the date,
19 which ever you prefer.

20 MR. BARGE: He'll write it down.

21 MR. GROSSMAN: Okay.

22 MR. BARGE: I'm going outside to take the scenery
23 in.

24 MR. GROSSMAN: All right. Thank you very much,
25 Mr. Barge, for taking your time to come here twice.

1 MR. BARGE: Thank you, Mr. Grossman.

2 MR. GROSSMAN: I appreciate it.

3 MR. HUGHES: Thank you, Mr. Barge. Two weeks,
4 Mr. Grossman.

5 MR. GROSSMAN: Okay. So we're talking it's now
6 September 19, the 26th, so it will be the 2nd of October,
7 which is a Sunday, so October 3?

8 MR. HUGHES: Yes, sir.

9 MR. GROSSMAN: All right. So 10/3/11 applicant
10 to submit screening plan?

11 MR. HUGHES: Additional tree.

12 MR. GROSSMAN: All right. Or submit revised plan
13 with additional screening. How about that?

14 MS. MORRISON: That's fine.

15 MR. HUGHES: Mr. Grossman, would you like me to
16 send Mr. Anderson a copy, too?

17 MR. GROSSMAN: Absolutely.

18 MR. HUGHES: Can I either bother you or him for
19 his address. I got part of it. I know it was Damascus. I
20 got the zip code.

21 MR. GROSSMAN: Just one second, sir. A copy will
22 go to Mr. Barge, and a copy will go to Mr. Anderson, a copy
23 to technical staff, and a copy to OZAH.

24 MR. HUGHES: Should I send Ms. Sturm one, also?
25 I did that the first time.

1 MR. GROSSMAN: Ms. Sturm didn't testify, so I
2 make that optional, but I think it's always a good idea. I
3 think it wouldn't be a bad idea for you to talk directly
4 with --

5 MR. HUGHES: I sent her the last time

6 MR. GROSSMAN: -- Mr. Barge, I was saying, about
7 his suggestion about his trees, but that's up to you. All
8 right. So that will be by October 3. And then we're going
9 to give them 10 days until October 13. Do you hear that
10 Mr. Anderson?

11 MR. ANDERSON: Pardon?

12 MR. GROSSMAN: He's going to submit his revised
13 plan which shows additional screening by October 3. Then I
14 give you and Mr. Barge 10 days, and technical staff, too,
15 in which to make any comments you want about the revised
16 screening.

17 MR. ANDERSON: And the date is from?

18 MR. GROSSMAN: From October 3.

19 MR. ANDERSON: That's when we receive it?

20 MR. GROSSMAN: No, it will be 10 days from the
21 date they have to file it.

22 MR. ANDERSON: Okay.

23 MR. GROSSMAN: So they can get it to you quickly,
24 and then you will have until October 13 in which to send
25 any comment. But this is not generally open comments for

1 everything. It's restricted to comments about the
2 additional screening.

3 MR. ANDERSON: All right.

4 MR. GROSSMAN: So it's comments from technical
5 staff and the public. All right. And then do you want a
6 couple of days to respond to any comments, Mr. Hughes?

7 MR. HUGHES: Could we have two or three days,
8 Mr. Grossman?

9 MR. GROSSMAN: All right. So that would be the
10 14th, 17th, the 18th of October, because you have a weekend
11 intervening.

12 MR. HUGHES: Okay. Thank you.

13 MR. GROSSMAN: October 18, '11 for response, if
14 any, from applicant. And the record will close on October
15 18, which is also my wife's birthday, so I won't forget it.

16 All right. Is there anything further? If not, then we
17 are adjourned. Thank you very much, Mr. Anderson. I
18 appreciate very much you coming down and sharing your views
19 with us.

20 MR. ANDERSON: I appreciate it. Thank you.

21 (Whereupon, at 1:03 p.m., the hearing was
22 adjourned.)

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C E R T I F I C A T E

DEPOSITION SERVICES, INC., hereby certifies that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the Office of Zoning and Administrative Hearings for Montgomery County in the matter of:

Petition of T-Mobile Northeast, LLC and J. Ammerman

Special Exception No. S-2805

OZAH No. 11-29

By:



Teresa S. Hinds, Transcriber